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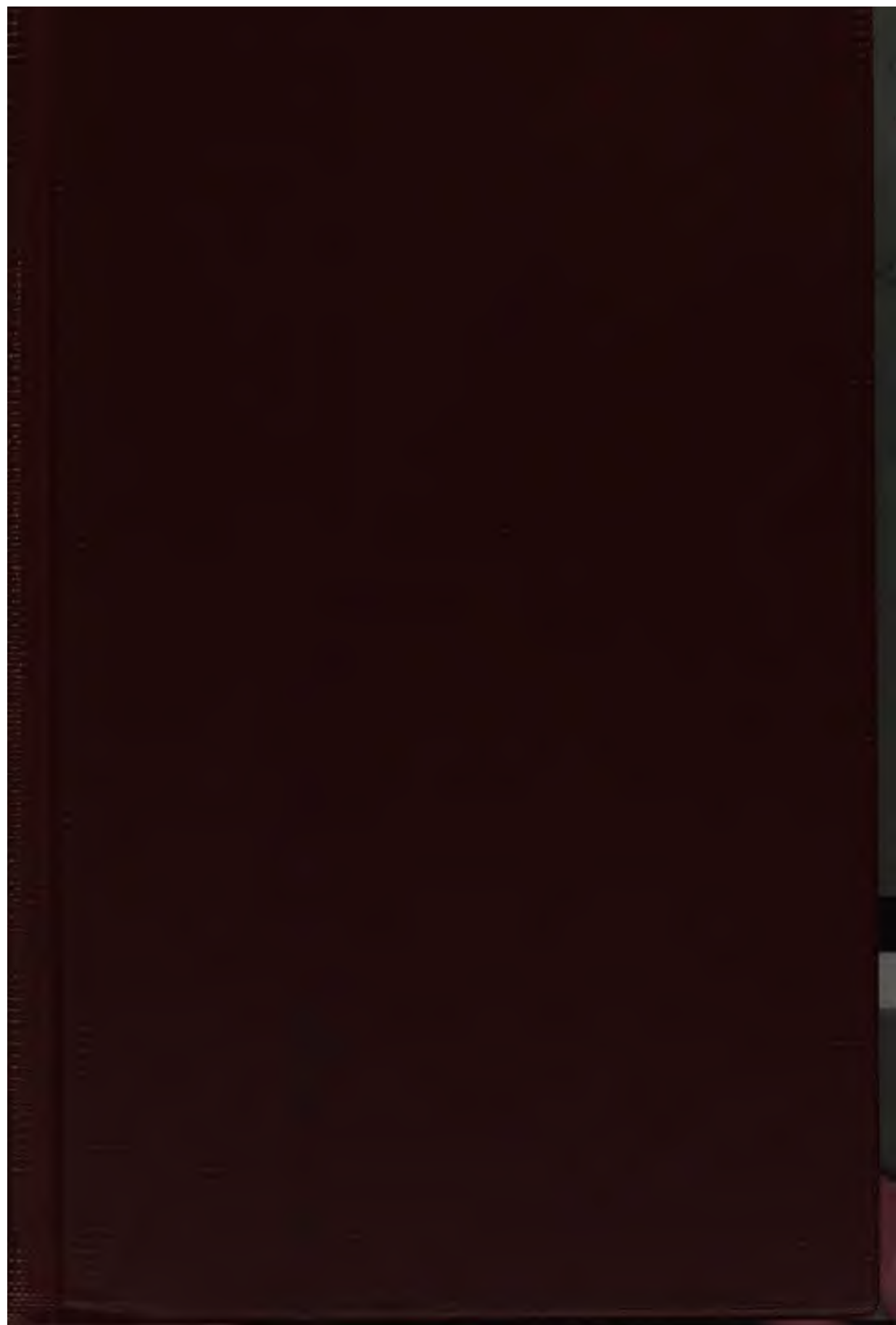
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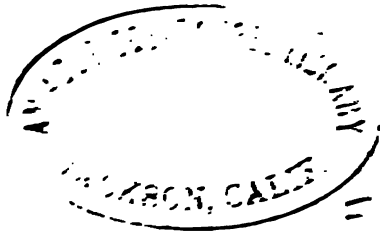
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VOLUME II



SAN FRANCISCO  
N. J. STONE & COMPANY

1898



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# History of California.

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## BOOK V.

### THE MEXICAN GOVERNORS

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#### CHAPTER I.

SOLA AND ARGUELLO (THE YOUNGER).

**P**ABLO VICENTE DE SOLA, the last governor of Alta California under the Spanish power, continued in office for a short time after the change of government and thus became the first governor under the Mexican administration. Though he had been violently opposed to the revolution and had even gone so far as to threaten to shoot down any one who should speak in favor of it, yet when Canon Agustin Fernandez de San Vicente, the commissioner from the imperial regency, arrived at Monterey and required his submission and transfer of allegiance, he immediately yielded; hauled down the Spanish flag, and raised the Mexican standard in its place. It had been a part of Iturbide's "Plan of Iguala" in establishing the empire, to offer the imperial crown to Fernando VII., king of Spain, provided he would accept it and make the city of Mexico his residence and capital, and, in case of his refusal, then to one of the Spanish infantes, Don Carlos or Don Francisco de Paula. This part of the scheme may have been, and probably was, a mere pretense on the part of the astute chieftain; but whether so or not, it had a powerful influence in rendering the empire popular and acceptable. The regency of Iturbide was founded upon this idea and the submission and adherence of Sola to the

new government was based upon it as an integral part of what was called "independence."

Upon this understanding, Sola, in March, 1822, issued orders for a junta or council of the chief officers of the province, to be held at Monterey in the early part of April for the purpose of putting the new government into effect, and summoned to it not only the comandantes of the presidios and of the Mazatlan and San Blas troops but also the president and prefect of the missions.<sup>1</sup> The junta was held on April 9. It met in the hall of government at the presidio. There were present as participants, Governor Sola; Luis Antonio Arguello comandante of San Francisco; Jose Antonio de la Guerra y Noriega comandante of Santa Barbara; Jose Maria Estudillo, representing Francisco Maria Ruiz comandante of San Diego who was too ill to attend; Pablo de la Portilla commander of the troops from Mazatlan; Jose Antonio Navarrete commander of the troops from San Blas; Lieutenants Jose Mariano Estrada and Manuel Gomez of Monterey; Father Mariano Payeras prefect, and Father Vicente Francisco de Sarria, representing Father Jose Sefian president of the missions. As soon as they were convened, Sola read the dispatches from Mexico; and thereupon all present agreed to take the oath of independence and swear for themselves and their subordinates to respect and obey the orders of, and bear true allegiance to, the new supreme government; and they all thereupon signed a written declaration to that effect.<sup>2</sup> On April 11, the oath was publicly administered and was taken by them and by all the troops and people of Monterey; and the solemn act was made the occasion of a church festival, continual hurrahs, repeated salutes of cannon and muskets, music, an illumination and everything else that could be thought of to give eclat to the auspicious event.<sup>3</sup> Within a few days afterwards, instructions were issued for the same oath to be taken at other points throughout the province, and also by all the Indians.<sup>4</sup>

Under the provisional regulations of the regency, the empire

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<sup>1</sup> Cal. Archives, D. S. P. I, 7-11; S. P. XVII, 267; XVIII, 8.

<sup>2</sup> Cal. Archives, L. R. I, 1, 2.

<sup>3</sup> Cal. Archives, L. R. I, 2, 3; S. P. XVII, 576.

<sup>4</sup> Cal. Archives, D. S. P. I, 6.

of Mexico was divided into six grand divisions called "capitanias generales." One of these, composed of "Las Provincias de Oriente y Occidente" or Provinces of the East and West, included in its jurisdiction the Californias and was placed under the superintendence and command of Field-marshal Anastasio Bustamante.<sup>1</sup> By the same regulations, Alta California became entitled to send a "diputado" or delegate to the imperial cortes; and Fernandez bore instructions to cause an election for this purpose to be held. An election accordingly took place for an electoral junta to meet at Monterey in May; and the action of this junta resulted in the choice of Sola himself as delegate and Luis Antonio Argüello as "suplente" or substitute.<sup>2</sup> As the first cortes, however, had been called to meet at the city of Mexico in the previous February, it was too late to attend it; and consequently California was unrepresented in that body.<sup>3</sup>

Under the same regulations, Alta California also became entitled to elect a "diputacion provincial" or provincial legislature, to consist of a president and six "vocales" or members; and in October Fernandez ordered an election for an electoral junta to select them.<sup>4</sup> This junta met at Monterey on November 9, 1822; chose Luis Antonio Argüello president and José Aroz, Francisco Ortega, Francisco Castro, José Palomares, Carlos Castro and José Antonio Carrillo as members, and installed them as the first provincial deputation.<sup>5</sup> At the same time arrangements were made for the election of ayuntamientos or town councils for the pueblos of Los Angeles and San José; and thus before the end of the year 1822 a system of government by representation, not complete indeed but far more republican in character than anything that had before been in vogue, was put in operation and effect.

In July, 1822, Sola wrote a remarkable letter to the comandante of Santa Barbara. He said that, according to the latest advices he had received, Iturbide, on account of the refusal of the Spanish government to recognize the independence

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<sup>1</sup> Cal. Archives, P. S. P. Ben. LXXVI, 213.

<sup>2</sup> Cal. Archives, L. R. I, 3-5.

<sup>3</sup> Cal. Archives, S. P. XVII, 577.

<sup>4</sup> Cal. Archives, P. R. XI, 316-319.

<sup>5</sup> Cal. Archives, L. R. I, 5-7.

of Mexico, had been invested with the imperial dignity; and that in consequence of this, Spain, England, France and Portugal had entered into a league to unite their forces; subjugate all the other revolted provinces in the two Americas, and then turn their combined arms in crushing effect upon the United States.<sup>1</sup> Though there was no truth in the second part of this report—and it is only a matter of surprise that it could have been believed, showing how little was known in California about the European powers and particularly about the United States—the first part of it in reference to Iturbide was entirely correct. On May 19, 1822, the second year of independence, the Mexican congress in extraordinary session, in view of the action of the Spanish government and in accordance with what was claimed to be the legal power of that body under the Plan of Iguala, elected him constitutional emperor; and on May 21, the election was approved and confirmed in regular session.<sup>2</sup> On May 23, the same congress decreed that his formal title should be “Agustin por la Divina Providencia y por el Congreso de la Nation, primer Emperador Constitucional de Mexico—Agustin, by Divine Providence and by the Congress of the Nation, first Constitutional Emperor of Mexico,” and that his official signature should be “Agustin.”<sup>3</sup>

On June 11, 1822, almost immediately upon the elevation of the emperor, an imperial Order,—one of the various contrivances invented for the support of monarchical power—which had been instituted by Iturbide some time previously, was publicly ratified. This was the Order of Guadalupe. It resembled in many respects the aristocratic orders established by various European sovereigns. But it was more national in its spirit and influence; and combining, as it did, religious with patriotic enthusiasm, its effect in assisting to lift its author to the throne of the Montezumas had been powerful. The very conception of it had been an inspiration of genius. Its history commenced as far back as the time of the conquest. It appears that when Cortes had made himself master of the Aztec capital and overthrown the bloody idols in the native temples, he set up in their place for the adoration of the people an image of the

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<sup>1</sup> Cal. Archives, P. R. XI, 302.

<sup>2</sup> Cal. Archives, S. G. S. P. I, 191, 192.

<sup>3</sup> Cal. Archives, S. G. S. P. I, 209.

virgin mother of God. This image, having been brought from Spain, bore the Spanish features and was to all intents and purposes a foreigner. One of the soldiers who was an artist, conceiving that he could improve upon it and make its worship more acceptable, fashioned another image and gave it Aztec features and an Aztec dress. As soon as he finished his work, he secretly carried it about a league from the city and set it up over a maguey plant. He then spread about a report that the mother of God had made a miraculous appearance in the likeness of an Aztec virgin. In a short time there was a great rush to the spot and a great excitement created in favor of the new image. The Spanish priests, taking advantage of the popular enthusiasm, adopted the story of the miracle told by the soldier; named the image "*Nuestra Señora de Guadalupe*," declared her the patroness and protectress of Mexico and its provinces; ordered the erection of a shrine and church upon the spot, and instituted a grand religious festival, to be held upon December 12 of each year, in her honor. Starting from this beginning, the worship of Our Lady of Guadalupe soon became general throughout the country and the devotion of the natives especially ardent. When Hidalgo raised the standard of revolt against Spain in 1810, he gave to each of his soldiers a badge containing an engraved picture of the Aztec virgin, which was looked upon as a sort of charm; and his soldiers were taught and they and the entire native population implicitly believed that the same mother of God, who had once been made use of to enslave them, would now lead them on to conquer and drive out their foreign oppressors. It was to utilize and turn to his own advantage this religious belief and the patriotic fanaticism connected with it, that Iturbide established his new order; and the result was that under his, her self-constituted champion's leadership, Our Lady of Guadalupe finally redeemed her pledges and expelled the hated race of the old conquerors. It may not be uninteresting to add that up to that time, no ecclesiastical doubt had ever been expressed or shadow of suspicion thrown upon the genuineness of the Aztec virgin; but, as soon as she became a rebel, the loyal Spanish priesthood maintained that, while the story of the apparition might be believed as a matter of human credibility, it was not to be accepted as a matter of



divine faith. This proposition however, being the outcome of theological disquisition, was not broached until after the church and the crown had both largely lost by the great defection.<sup>1</sup>

On June 26, 1822, the Mexican congress ordered what was supposed to be the final establishment of the empire and of the Iturbidean dynasty. It decreed that the imperial crown should be hereditary in the family of Agustin, who was styled "Serenísimo" or Most Serene Majesty; that upon his death, his eldest son and heir apparent, who in the meanwhile was to be prince imperial and called "His Imperial Highness," should succeed; that all the emperor's legitimate sons and daughters were to be "Principes Mexicanos;" that his father Jose Joaquin was to have the title of "Principe de la Union" and his sister Maria Nicolasa the title of "Princesa de Iturbide," and that all should be addressed as "Highnesses" during life.<sup>2</sup> News of all these events were slow in reaching California. But they came at last about the time of the election and installation of the first provincial deputation. On November 27, 1822, Arguello, as president of that body, proclaimed the election of the emperor Agustin I.,<sup>3</sup> and shortly afterwards the oath of allegiance to him and his dynasty was sworn amidst salutes and hurrahs throughout the province.<sup>4</sup>

The reign of the emperor was destined to be of very short duration. In March, 1823, he was compelled to abdicate; and in April the Mexican congress vested the executive power in Generals Nicolas Bravo, Guadalupe Victoria and Pedro Celestino Negrete.<sup>5</sup> It declared the coronation of Iturbide an act of violence; set aside the hereditary succession and noble titles of his family, and pronounced all his imperial decrees null and void. It forced the emperor himself to leave the country; but he managed to effect an arrangement by the terms of which he was to enjoy for life the title of Excellency and a pension of twenty-five thousand dollars per year, provided he took up his residence and remained in Italy.<sup>6</sup> In compliance with this compromise, and a vessel having been furnished by the govern-

<sup>1</sup> Alvarado MS.

<sup>2</sup> Cal. Archives, S. G. S. P. I, 254.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose IV, 3, 4.

<sup>4</sup> Cal. Archives, S. P. XIII, 14; D. R. I, 79.

<sup>5</sup> Cal. Archives, S. G. S. P. II, 64.

<sup>6</sup> Cal. Archives, S. G. S. P. II, 84.

ment, Iturbide and his family sailed for the Mediterranean and took up their residence at Leghorn. After remaining there a few months, he went to England and in May, 1824, chartered a vessel and secretly returned to Mexico. Meanwhile a new congress had assembled, which adopted a republican form of government and, upon a rumor of Iturbide's intended return, issued a decree that if he set foot within Mexican territory he should be treated as an outlaw. Upon the strength of this decree, when the former emperor landed at Soto la Marina in Tamaulipas and was detected, he was seized; taken to the town of Padilla; hurriedly tried; sentenced to be shot, and on July 19, 1824, five days after landing in the province, led out in front of a file of soldiers and executed according to the terms of the sentence.

The Mexican republic, which followed and took the place of the empire, was created in effect on November 19, 1823, by the adoption of the "*acta constitutiva de la Nacion Mexicana*"—an enactment which contemplated and provided for the adoption of a constitution resembling that of the United States.<sup>1</sup> A new "*acta constitutiva*," much like the former, was passed on the following January 31;<sup>2</sup> and on October 4, 1824—the fourth year of independence, the third of liberty and the second of federation—the republican constitution itself was promulgated. By this instrument the provinces, which had formerly constituted the viceroyalty of New Spain, the capitanía of Yucatan, the comandancias of the Internal Provinces of the East and West and those of Alta and Baja California together with all the lands annexed and adjacent islands, were formed into a federation of nineteen states and four territories. The executive power was vested in a president and vice-president and the legislative in a senate and chamber of deputies. Only the states were entitled to representation in the senate. The basis of representation for the chamber of deputies was fixed at one deputy for every eighty thousand inhabitants; but each territory, though it contained a less number of population, was to be entitled to at least one "*diputado propietario*" or proprietary representative and a "*suplente*" or substitute. The states were recognized as

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<sup>1</sup> Cal. Archives, S. G. S. P. II, 418-424.

<sup>2</sup> Cal. Archives, S. G. S. P. III, 1-8.

independent, free and sovereign; and each one was to organize its own internal government and administration; but jurisdiction over matters of national concern was reserved exclusively for the general government. The territories, on the contrary, of which Alta California constituted one and Baja California another, were to be administered by a governor appointed by the president and a territorial legislature elected by the people, but all under the general control of congress.<sup>1</sup> From this time forward, consequently, the Californias were no longer royal or imperial provinces; but republican territories.

Meanwhile, on November 9, 1822, by the action of the electoral junta which met at Monterey at that date, Luis Antonio Arguello, having been elected president of the provincial deputation, became by virtue of his office temporary governor of Alta California in place of Sola, who had in May previous been elected a deputy to the imperial congress. Sola, at the time of being thus relieved, was sixty-two years of age. He had been Spanish governor about seven years and Mexican governor about seven months. One of his chief characteristics was his intense loyalty; and he always boasted of his implicit obedience to the orders of his superiors.<sup>2</sup> His spirit was resolute and was manifested on various occasions and especially at the time of the attack upon Monterey in 1818 by the Buenos Ayres insurgents. But the harassing cares, caused by that event and the deplorable condition of the country, affected his health and made him very anxious to be relieved from the too heavy responsibilities of his office. In the autumn of 1819, he complained of advanced age and broken health; said he was unable longer to continue active in the career of arms to which he had already devoted twenty-four years of his life, and begged that he might be retired and given an intendencia or some other honorable employment suitable to his abilities and condition in Mexico.<sup>3</sup> In 1820 he repeated his prayer and with still greater urgency than before.<sup>4</sup> In 1821 he wrote again that he was scarcely able to mount his horse and entirely unable to devote to his extensive province the personal attention which it required. The

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<sup>1</sup> Cal. Archives, S. G. S. P. III, 165-192.

<sup>2</sup> Cal. Archives, S. P. XVII, 834.

<sup>3</sup> Cal. Archives, S. P. XVII, 685.

<sup>4</sup> Cal. Archives, S. P. XVII, 722.

vice-regal government, however, as has been seen had other matters in abundance to pre-occupy its attention; and no regard was paid to the repeated solicitations of the governor of California. But relief for him came at last in the unforeseen and unexpected shape of the revolution, which he had so bitterly opposed. When the canon Fernandez brought up the dispatches of the new government establishing the empire and a deputy from Alta California to the imperial congress was to be elected, Sola willingly embraced the opportunity of laying down his gubernatorial cares and accepting the office of representative. It was then too late to reach the capital for the first congressional session; but in the autumn of 1822, when Fernandez, having accomplished his mission and seen the imperial government successfully installed in Alta California, embarked at Monterey for Mexico, Sola embarked with him; and he never returned.

Luis Antonio Argüello, the second Mexican governor of Alta California, was the son of Jose Dario Argüello. He was born at the presidio of San Francisco, where his father was then ensign, in 1784. Though his opportunities for an education were extremely limited, he turned such as he had to good account and very early exhibited indications of intelligence, energy and trustworthiness. In September, 1799, at the age of sixteen years, he entered the military service as a cadet in the cavalry company of San Francisco; in 1800 became an ensign, and in 1806 a *teniente* or lieutenant.<sup>1</sup> Soon after his promotion to the latter rank, he became, on account of the removal of his father to Santa Barbara, *comandante* of San Francisco in his father's place. In 1817 he was promoted to the rank of *capitan*,<sup>2</sup> and with that rank continued *comandante* of San Francisco down to the time he became governor.

While Argüello was acting as *comandante* of San Francisco, about the time Sola became governor, he undertook to repair the presidio. For this purpose he found it necessary to have a launch to bring timber from Corte de Madera near San Rafael. Taking advantage of the presence of an English carpenter who happened to be in the country, he managed, though with

<sup>1</sup> Cal. Archives, S. P. II, 276; V, 742.

<sup>2</sup> Cal. Archives, S. P. XI, 88.

great difficulty, to build and rig a small vessel suitable for the object in view; and, as soon as it was launched, a number of days were spent in teaching a crew of soldiers to sail it. At length, when they were supposed to have become sufficiently skillful, they undertook their first voyage to Corte de Madera with Argüello in command. They set out with a fair wind and favoring tide; but after crossing over and getting near what is now known as Raccoon Straits, the wind changed into squalls; and at the same time they were caught in conflicting tide currents. The soldiers were at a loss how to manage under the new circumstances; and on two several occasions they were in great danger of foundering. The only person who preserved his presence of mind was Argüello himself; and, though he knew little or nothing of navigation, he finally succeeded in working out of danger; and in the course of time the launch arrived at its destination. There a quantity of timber was found ready for transportation. It had been cut under Argüello's orders by soldiers, who had previously been sent around the bay by the way of San José—crossing the straits of Carquinez on rafts, and thence around by the way of Sonoma, Petaluma and San Rafael—thus making a circuit of some seventy leagues, while the actual distance between the presidio of San Francisco and Corte de Madera did not exceed four. The timber thus prepared having been formed into a raft and attached by a cable to the launch, Argüello called to his assistance an old Indian, called Marin, who had crossed the bay on his tule-float countless numbers of times and was familiar with the tides and currents; and, with his aid and the experience he had himself just gained in navigation, he made the run to San Francisco without accident.

It appears that Argüello subsequently made several successful trips back and forth; but he finally confided the launch to the management of a corporal, who had accompanied him on his various trips and seemed to have learned seamanship. He watched him depart and saw that everything went well until he disappeared behind an intervening headland. The corporal in fact arrived safely at Corte de Madera. But on his return, having entirely too much confidence in his knowledge of the business which he had picked up in so short a time, he was caught

without a breeze in a strong ebb tide and, notwithstanding all his efforts with the oars, was carried out into the ocean beyond the Heads. While in this dangerous position, night came on and a fog; and in the morning he found himself nearly as far out as the Farallones. A consultation by all on board was held as to whether they had not better abandon their raft and make for the harbor south of Point Reyes; but just about this time a west wind fortunately sprang up and the tide ran with it. This induced them to retain hold of their raft of timber; the wind continued favorable and by night they got back to Point Bonita and the next day they reached the anchorage in front of the presidio. Having been out several days and nights without proper preparation, they had suffered severely from thirst and hunger; but they saved their timber and gained a considerable amount of valuable experience.

When Sola heard of Argüello's launch, he became furious. In building and equipping and running it, Argüello had acted entirely without his knowledge or consent and was therefore guilty, as he claimed, of insubordination. There were a number of smugglers cruising on the coast—might not this launch be really intended or used for unlawful communication with them? The Russians also had intruded at Bodega and were engaged in killing otters and seals in the neighborhood—might not the launch be really intended or used for clandestine traffic with them? Whatever might be the fact, Sola's anger was roused; and he at once sent off a commission to seize the vessel and order Argüello to present himself and answer for his conduct at Monterey. The latter, upon finding the progress of his work stopped by the arrival of the commission, was struck with surprise; but he submitted without murmuring and, mounting his horse, set out for the capital. The first night he stopped at Santa Clara and the next afternoon arrived at San Juan Bautista. There the missionaries endeavored to induce him to stop over the next night; but he declined and, obtaining fresh horses, took the road for Monterey, some twelve leagues distant. It was no uncommon thing in those days for a Californian to ride at the rate of from four to five leagues an hour; and Argüello appears to have been proceeding at some such gait, in hopes of reaching his destination before dark, when his horse

stumbled and threw him in such a manner as to bruise and seriously lame his leg. He managed to remount and proceeded to the house of a sister in Monterey, but found himself so much bruised as to be almost unable to walk.

The next morning, intentionally throwing aside a cane he had been using and taking his naked sword in its place, he hobbled over to the governor. Sola demanded with great acrimony how he had dared to carry on his building at San Francisco and especially to build a launch without his permission. Argüello answered that, though he had not asked instructions, it was plain to every one that he and his officers and soldiers had been compelled to live in houses which were positively indecent; and that they had all agreed to better their condition the best way they could without calling for assistance from the royal treasury. Upon hearing this reply, Sola's temper, as was not unusual, got the better of him; and he ran to seize his staff with the evident intention of using it. But as he did so, he saw that Argüello, who had been standing leaning upon his sword, suddenly changed his position for a firmer one. Sola's eye was quick in noticing the movement; and at once wheeling round he asked what was meant by it. Argüello replied that there were two reasons: the first was because his former posture had become inconvenient, and the second was because he was a soldier and a man of honor and he did not intend to submit to be beaten without resistance. As the governor had been accustomed in his moments of passion to use his cane freely, and no one hitherto had dared to resist, this unexpected reply astonished and caused him to pause. He fixed his eyes upon Argüello and looked for some time in silence. Then coolly laying aside his cane, he extended his open hand and, advancing, said: "This is bearing worthy of a soldier and a man of honor. I solicit your friendship. Blows are only for the pusillanimous scamps who deserve them." Argüello accepted the proffered hand; and from that time forward he and Sola were firm and fast friends. A few months afterwards, Sola visited San Francisco and, upon informing himself of all the facts, confessed that he had been wrong in interfering with the progress of the work there. But the launch, which had been taken to Monterey, was found so convenient at that port that it was

never returned to Argüello; and the improvements of the presidio contemplated by him and his companions were never entirely completed as they had intended.<sup>1</sup>

When Monterey was attacked by the Buenos Ayres insurgents in 1818, Argüello hastened by forced marches and with all the soldiers he could collect to Sola's assistance. He did so not only as a matter of official duty, but also because, like the people of California in general, he favored the Spanish government. Within the next two or three years, several letters passed between him and Sola, in which his anti-revolutionary feeling was plainly manifested, and particularly in 1821 about the time his father Jose Dario Argüello, who had taken a decided stand against Iturbide, resigned his office of governor of Lower California.<sup>2</sup> But when the revolution was accomplished and the empire established, he submitted to the new order of things and took the oath to independence without hesitation or reservation. Shortly afterwards he had occasion to present a personal petition to the new government and at the same time to test Sola's friendship. He had had the misfortune to lose his wife Rafaela, the daughter of Hermenegildo Sal, whom he had married in 1806 just before he became comandante of San Francisco; and in the early part of 1822, he wished to marry Maria Soledad Ortega. But being a soldier in service, it was necessary to have the permission of the government. He applied to Sola; and Sola undertook to procure the requisite license, and his very first letter to Iturbide was upon this subject.<sup>3</sup> The answer was favorable and in June, 1822, was communicated to the expectant bridegroom.<sup>4</sup>

In November, 1822, when Argüello became president of the provincial deputation and temporary governor of Alta California, he was obliged for the proper fulfillment of his duties to remove from San Francisco to Monterey. The old soldiers of the former place, among whom he had grown up and with whom he was exceedingly popular, were loth to part with him; and it was not without tears that they saw him remove his household. He himself was affected; but he had no time for sentiment. As

<sup>1</sup> Osio MS.

<sup>2</sup> Cal. Archives, S. P. XVII, 248, 249.

<sup>3</sup> Cal. Archives, S. P. XVII, 581.

<sup>4</sup> Cal. Archives, S. P. XVII, 272.



soon as he was settled in his new home, he devoted himself assiduously to his new office. He found it a post of great difficulty. For a long time the troops had not been paid; nor had supplies, in anything like adequate quantities, been furnished them. It had been a number of years since the regular old Spanish ship, with its annual remittance of eighty or a hundred thousand dollars of royal money or goods representing money for the pay of the soldiers, called in the language of the country "*las memorias del rey*," had made its appearance; and during all that period the arrears had been growing and the difficulties of effecting a final satisfactory settlement increasing. The only resources that the government had were some miserable ecclesiastical "*diezmos*" or tithes imposed upon the pueblos of Los Angeles and San Jose and the villa of Branciforte, which had been ceded by the bishop of Sonora in exchange for a certain sum payable out of the increase of stock at the royal cattle ranches. At the same time all the Californian ports were closed to foreign commerce; and there were no domestic vessels either to carry away the produce of the country or to bring in the products of other countries. All that could be done under the circumstances was to call upon the missions to maintain the troops; and, as the safety of those establishments depended upon the preservation of public order, they were obliged to respond.

The position of the missions was anomalous. They owned or claimed almost all the property in the country and yet were exempt from taxation or any share of the public burdens. But the stir of intellect, which had accompanied the revolution, had opened the way for inquiries into the relations sustained by them towards the government; and, even as early as the first meetings of the provincial deputation, several of the members, and particularly Jose Antonio Carrillo and Jose Palomares, maintained that the state was entitled to the administration of their temporalities. The arguments they advanced were combatted with theological answers by the missionaries; and heated discussions arose—forerunners of the various acts of secularization which subsequently followed. But, for the time being, the result was a compromise; and the missions agreed on their part to throw open their warehouses and relieve the necessities of the government.<sup>1</sup>

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<sup>1</sup> Alvarado MS.

The provincial deputation was considering these matters and the state of the country in general, when news arrived of the destruction of the empire of Agustin and the change of government at Mexico. It became a question what kind of a new government was to be adopted and what was to be the position of California in reference to the new order of things. On January 7, 1824, Arguello, having called together all the military officers within reach to sit with the members of the deputation, addressed the convocation upon these subjects at considerable length. He said that a very large portion of the people of Mexico were in favor of a government to be made up of a federation of states, while another portion thought this too advanced a step and were in favor of a centralized government. He therefore propounded the interrogatories: What kind of a government would be best? and, if California should declare in favor of federation, whether it should not incorporate itself with some other province, and if so which one of them? These inquiries being thus presented, every one expressed his views; and, in accordance with the general opinion, it was unanimously determined that until something more definite were known as to the disposition of the supreme government in reference to federation, California should remain quiescent; and that, in the meanwhile, some sort of system for the interior and domestic government of the country should be adopted. This being settled upon, a committee was appointed;<sup>1</sup> and the next day a "Plan de Gobierno" or system of government was reported and adopted, and a few days afterwards promulgated.

By this new plan or system, the governor and deputation were to remain as before; but a "junta general" or general convention was created, to consist of the governor, the deputation, two other officials and the prelates of the missions. It should be the business of this junta to consider and determine all matters of grave importance affecting the welfare of the territory which might be presented to it by the governor, and especially all matters relating to extraordinary contributions, disposition of lands, relations with foreigners and collections and disbursements of public funds. The salary of the governor was fixed

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<sup>1</sup> Cal. Archives, D. S. P. S. Jose IV, 38-40; L. R. I, 18-20.

at twenty-five hundred dollars a year and that of the comandantes of San Francisco, Santa Barbara and San Diego respectively at twelve hundred dollars. The tenientes or lieutenants were to receive five hundred and fifty dollars; the ensigns four hundred; the sergeants two hundred and sixty-two and a half; the corporals two hundred and twenty-five, and the soldiers two hundred and seventeen and a half each. To meet the current expenses and pay these salaries, it was provided that various taxes should be imposed. Imports by foreign vessels were to pay a duty of twenty-five per centum on the amount of sales; and imports by domestic vessels ten per centum. Exports were to pay six per centum on their values. Taxes were imposed upon certain agricultural productions and stock, including those of the missions; upon wheat, maize and beans; upon aguardiente, and upon wine except such as was used by the church. Foreign liquors were prohibited. A tax was likewise levied on otter-hunting. But in view of the fact that these sources of income would not be sufficient to meet the demand, it was further provided that the junta should have the power to raise funds in such manner as it might deem proper to cover the deficiency. The judicial power in civil matters was vested, in so far as concerned the people of the pueblos, in the first instance in alcaldes or justices of the peace; in the second instance in the comandantes of the presidios, and in the third and final instance in the governor; and, in so far as concerned the people outside of the pueblos, in the first instance in the comandantes and in the second and final instance in the governor. Criminal causes were to be tried under and according to the military laws, and capital cases by a council of war or court-martial. Such in short was the system adopted, under which Arguello carried on his administration.<sup>1</sup>

The new government was almost immediately put to the strain by the most extensive and serious Indian outbreak that ever occurred in the country. There had been from time to time in various parts of the territory local Indian uprisings, but never anything like a general Indian war. Fortunately for the whites, all the natives from San Francisco to San Diego were divided into numerous small tribes or rancherias, which had

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<sup>1</sup> Cal. Archives, D. S. P. S. Jose IV, 41-44; L. R. I, 25-29.

always been in a state of hostility or unfriendliness among themselves. On account of their almost constant warfare, they had never learned to unite for a common object and knew little or nothing about the strength of union. But after being brought together in the missions and compelled to live in peace, their condition and position towards one another were changed; they gradually began to understand the value of combination; and finally, though in a very imperfect manner as was shown in the sequel, they succeeded in forming a wide-spread conspiracy. It seems to have started amongst the neophytes of Purísima and Santa Inez; but it soon included those of San Luis Obispo, Santa Barbara, San Buenaventura and San Fernando. Their purpose was to kill off all the gente de razon and thus free themselves forever, as they thought, from the enforced slavery to which they were subjected. Their plan was to rise at the different points all on the same Sunday, at the hour of mass, and commence their bloody work at the point of time when the missionaries and soldiers would be collected in the churches and entirely unprepared to meet them.

The day fixed was February 22, 1824. Though the conspirators had no leader of any special distinction, they managed their affairs with extraordinary secrecy. Their couriers had passed from mission to mission and arranged their preparations without the whites knowing or suspecting anything about them. The only intimation of what was in contemplation was given to Jose de la Guerra y Noriega, the comandante of Santa Barbara, by a faithful Indian woman servant employed in his family; but, though he gave some precautionary orders, he did not place much faith in what he had heard. On the Saturday afternoon before the appointed Sunday, the Indians of Santa Inez began to prepare themselves; and, after getting together—armed and painted for the approaching slaughter—being unable to restrain their thirst for immediate blood, they determined to commence at once by the murder of Father Francisco Xavier Uriá, who was then sleeping according to his custom in his chamber next the mission church. As they approached, however, an Indian page, who was warmly attached to the missionary, waked him up with the dreadful information; and Uriá, jumping from his couch and rushing to the window, saw the murderous savages

close at hand. It was a critical situation; but he took his resolution in a moment. There were some muskets in the building and there happened to be present a lay brother named Camilo. Uria at once armed himself and his companion and waited the approach of the assassins. As soon as the first one placed his foot upon the threshold, Uria fired and with such good effect that the savage fell pierced by the ball. At this unexpected reception, the Indians in surprise recoiled; and the Father, taking advantage of the brief delay, seized a second musket and shot down the next Indian as he was about to discharge an arrow. It does not appear that Camilo was of any great service; on the contrary he was almost immediately severely wounded with arrows, and Uria was obliged to assist him; but as soon as he had done so, he was again ready with a third musket for the next assailant. The Indians seeing this withdrew a short distance; and Uria directed his attention to the corridor, where he had noticed one of them trying to screen himself behind a pillar. This individual had managed to get hold of a musket and was endeavoring to obtain a steady aim; but Uria was too quick for him; and, as the Indian incautiously exposed himself, the padre fired a third shot and shattered his arm to the very shoulder.

Meanwhile the soldiers, who were in their quarters, becoming aware of what was going on, hastily put on their cueros or leather-jackets, and seizing their arms rushed to the missionary's assistance. The Indians, now satisfied that little was to be accomplished by a direct assault, attempted to burn down the establishment and set fire to it in the expectation of either consuming the whites in the conflagration or compelling them to come forth from their defenses. It happened just at that time that Sergeant Anastasio Carrillo arrived with a small body of soldiers which had been sent to reinforce the place, without any view, however, of an outbreak. Upon their approach, the Indians immediately retreated; and the whites, relieved of their presence, turned their attention to the fire, which they finally managed to subdue, saving about one-third of the mission building.

The Indians of Purísima did not succeed in carrying out the plan of the conspiracy any better than those of Santa Inez.

It appears that they were well disposed towards Father Blas Ordaz the missionary and Tiburcio Tapia the corporal of the guard; and they offered to allow them to escape, if the corporal would deliver up all the arms—otherwise, they, as well as the soldiers and their families and all the whites, must die. It was plainly impossible, they said to Tapia, for five soldiers to defend the mission against such a multitude. But the corporal, whatever he may have thought of the proposition, had of course but one answer to make; and that was a refusal. The Indians then raised the war-cry and while a portion assaulted the soldiers' quarters, another portion set fire to the neighboring houses. Fortunately there was not much to burn except the wooden rafters; and when these were gone and the tile roofs had fallen in, the adobe walls still remained and constituted almost as good defenses against attacks as before. When the fire had progressed for some time in one of the largest buildings and was substantially extinguished for lack of material, Tapia ordered all the whites, who were still in the unburnt and burning houses, to take refuge inside its walls; and, as they did so, he directed all the soldiers to open fire on the assailants. He thus managed to create a diversion and for a few minutes to distract the attention of the Indians, during which time the families succeeded in reaching the designated place of refuge; and soon afterwards all the whites were collected in the same spot. There was some difficulty as well as risk in accomplishing this movement; a few in passing from building to building were severely burned, particularly in the feet, by smouldering logs and hot tiles, and one woman was wounded by an arrow. But the removal and collection of all in the same place was at length effected; and it was a place which was now proof against any further burning.

The Indians, seeing too late the object of Tapia, made a general assault upon his new defenses; but it was in vain. The soldiers, fully comprehending that their own lives and the lives of their families depended upon their exertions, fought with desperate valor. They killed many of the assailants. At length one of the Indians, who had been alcalde of the mission, called out in a loud voice for a suspension of hostilities and proposed that, if the whites would give up their arms, they should

all be allowed to depart in safety and without molestation from there to Santa Inez. Tapia replied that he and his soldiers had made up their minds to die at their posts rather than yield; but Father Blas Ordaz interfered and insisted on a compromise, undertaking to answer for the good faith of the Indians in whom Tapia was unwilling to place any reliance. After much contention, Tapia finally found himself overruled; and the propositions of the Indians were agreed upon. In pursuance of them, the whites laid down their arms and also delivered up a couple of small cannon used by the missionaries for firing salutes. The Indians, as soon as they obtained possession, showed signs of treachery; but by the combined efforts of the Father and the alcalde they were at length induced to adhere to their agreement; and the whites marched off in a body for Santa Inez. They were obliged to go on foot. Though the distance was only about fifteen miles, the journey was a terrible one, particularly for the women and children; but they finally succeeded in reaching that mission, which though mostly burned was now, with its own soldiers and the accession of Sergeant Carrillo and his men and the soldiers of Purísima, a place of safety.

At Santa Barbara, the conspirators rose at the appointed time and attacked the mission; but the assault was conducted with very little spirit; and the defense, at least at first, with still less. It is even reported that while the fight was going on, when the hour of noon arrived, Captain Jose de la Guerra y Noriega took off his hat; made the customary midday prayer, and announced that the fight would be resumed after dinner. He and his soldiers then withdrew for their usual meal, as if nothing extraordinary were going forward. After dinner they resumed their arms and work; and it was noticed that, being now fortified with full stomachs, they fought better than before and soon routed the insurgents and drove them off. Some few were killed; and others made their way to Purísima; but most of them fled to the Tulare valley on the other side of the mountains. Thus in each case, the conspirators failed to carry out their designs. At San Luis Obispo, San Buenaventura and San Fernando they did not rise at all, though they doubtless would have done so if their prospects of success had been better. All

that had been accomplished was the murder of a few men, who were traveling between Santa Barbara and San Luis Obispo; the partial burning of Santa Inez and Purísima, and the seizure and possession of the latter place.<sup>1</sup>

As soon as news of these events reached Monterey, Arguello immediately dispatched all the soldiers he could collect, including cavalry, infantry and several artillerymen with a large cannon, all under the command of Lieutenant Jose Mariano Estrada, to the seat of war. The little army, consisting of one hundred and nine men, marched as rapidly as possible and about the middle of the night of March 15 reached the neighborhood of Purísima. As the morning approached, Estrada sent his cavalry to surround the buildings where the conspirators had fortified themselves; and when it grew light he advanced with his cannon and infantry directly in front of the main gate of the establishment. As he came up, the fight commenced with muskets; and one of his men was killed. But by this time the cannon was in position and at the first discharge a great part of the wall came down with a crash. Seeing this, the Indians attempted to escape; but, finding the house surrounded and Estrada's soldiers in earnest, they surrendered and begged for quarter. Father Antonio Dominguez, who had been one of the missionaries of the place, added his prayers to those of the supplicants; and at length the bombardment ceased. The Indians being completely defeated gave up all their arms, consisting of the two small cannon of the mission, sixteen muskets, a hundred and fifty lances, a number of cutlasses and a great quantity of bows and arrows. Sixteen of them had been killed and many wounded. Of the whites one was killed and two slightly wounded. The number of Indians engaged was upwards of four hundred; that of the whites about a hundred.<sup>2</sup>

The effect of this castigation, or "gloriosa accion" as the official reports termed it, was to cow down the natives and put an end to their conspiracy. In June following, Pablo de Portilla marched from Santa Barbara with sixty-three soldiers, a field-piece and two missionaries after the fugitives who had fled to the Tulare country. He was joined on his way by another force of fifty men and another field-piece from San Miguel under

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<sup>1</sup> Osio MS.

<sup>2</sup> Cal. Archives, D. S. P. I, 574-576.



command of Antonio del Valle. When the conjoined forces came up with the Indians, who were encamped at Tulare Lake, they found them displaying a white flag. Seeing this, Portilla also raised a white flag. Communications were opened and a conference held; the two missionaries, Father President Vicente Francisco de Sarria of San Carlos and Father Antonio Ripoll of Santa Barbara, acted as negotiators; and the result was that the Indians submitted unconditionally; were pardoned, and the fugitive neophytes marched back to their respective missions.<sup>1</sup>

Had the conspiracy in the neighborhood of the Santa Barbara Channel succeeded, there would doubtless soon have been a general uprising against all the missions. But its defeat not only prevented any attempts at other places but had an influence in inducing some of the gentiles to come in and ask for baptism. This was the case, among others, with a rancheria or tribe called "Cosumnes" near the mission of San Jose. They, however, had become Christian only a short time before they regretted it. The ceremony of receiving baptism, blankets and shirts was pleasant enough; but, when required to go to work, they demurred. One of them, as an example to the others, was brought out before the congregation on the next Sunday, directly after mass, and flogged with a dozen or more lashes. He was then told to go to Father Narciso Duran, the missionary, and, as was usual in such cases, to kiss the apostolic hand in token of submission. The Cosumnes brave, however, instead of doing so, stripped off his blanket and shirt and, casting them at Duran's feet, exclaimed, "There, Father, take back your Christianity. I want it no longer. I will go back and be a gentile again." But he and his companions soon found that once within the bosom of the church, it was impossible to get out; and the arms of Estrada had taught them that resistance was useless.<sup>2</sup>

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<sup>1</sup> Cal. Archives, D. S. P. I, 151, 152.

<sup>2</sup> Osio MS.

## CHAPTER II.

### ARGUELLO (CONTINUED).

AS Alta California, principally on account of its remoteness, took no active part in the Mexican struggle for independence or in the erection or destruction of the empire, so also it took no active part in the formation or adoption of the republican constitution of October 4, 1824. Among those who signed that document was Manuel Ortiz de la Torre for Baja California; but no one represented or signed for Alta California.<sup>1</sup> As, however, it had passively acquiesced in every change of government, so now it accepted the new constitution and the position therein assigned it as a territory of the new federal republic. On Sunday, March 26, 1825, Arguello presented the instrument to the deputation and, having himself first sworn to support it, the vocals followed. It was then read to the officers and troops; and they took the like oath amidst hurrahs, salutes and the ringing of bells. But there was one class of the community that was in general violently opposed to it. This was the missionaries. They manifested their hostility from the very start. It had been proposed and was intended, on the promulgation of the republic, to solemnize the occasion with a grand mass and a Te Deum; but Father Vicente Francisco de Sarria, who was then president of the missions, being both as a Spaniard and a royalist inimical to republicanism, not only refused to swear to it but also to perform religious services in its favor; nor would he consent that any of his immediate subordinates should do so.<sup>2</sup> At San Francisco, where the instrument was read and sworn to on April 24, 1825, Father Tomas Eleutario Estenaga of the Mission Dolores took a contrary view and not only performed the

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<sup>1</sup> Cal. Archives, S. G. S. P. III, 192.

<sup>2</sup> Cal. Archives, L. R. I, 64, 65; D. R. III, 19.

mass and Te Deum; but, in addition thereto, he delivered what was pronounced by those who heard it an excellent and patriotic discourse upon the constitution and the circumstances that had rendered it necessary.<sup>1</sup> At Santa Barbara also, as is said, religious services in favor of the constitution were performed as well as at San Francisco. But at San Diego Father Fernando Martin pleaded the prohibition of his superior and refused to act.<sup>2</sup>

The hostile attitude of the prelate Sarria towards the republic, being as it was an index of the feelings of a large number of the missionaries, was not allowed to pass unnoticed. What had been loyalty in him and them before the revolution was now rebellion; and their influence, especially upon the Indians, might lead to serious consequences. An extraordinary session of the deputation was called, to meet at Monterey on April 7. As soon as it was convened, Francisco Castro, one of the vocals, rose and said it was important to know whether the missionaries in general were of the same way of thinking as Sarria and, if they were, that they ought to be at once deprived of their control over the neophytes and the temporalities of the missions. Arguello, however, called attention to the fact that if they were removed, there would be no persons to administer the missions and affairs would fall into inextricable confusion. He therefore counseled patience. There was a long and very earnest discussion, some taking one view and others the other; but it was thought best on the whole to deliberate further; and no definite action for the time was determined on.<sup>3</sup> A few days afterwards, Arguello addressed a letter to the supreme government in reference to Sarria's position and asked for instructions.<sup>4</sup> In about two months the letter reached its destination; and Guadalupe Victoria, president of the republic, answered by ordering the immediate apprehension of Sarria and transportation by the first opportunity to Mexico; but at the same time he directed that all due respect should be paid to his person and character.<sup>5</sup> In

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<sup>1</sup> Cal. Archives, S. P. XIV, 688, 689.

<sup>2</sup> Cal. Archives, S. G. S. P. III, 353-355. This document is probably in error in saying that Father Estenaga officiated at Santa Barbara. He was the missionary at San Francisco.

<sup>3</sup> Cal. Archives, L. R. I, 67, 68.

<sup>4</sup> Cal. Archives, D. R. III, 19, 20.

<sup>5</sup> Cal. Archives, S. G. S. P. III, 472.

the meanwhile Sarria had been superseded in the presidency of the missions by Father Narciso Duran of San Jose;<sup>1</sup> and, by the time Victoria's answer reached California, Arguello had been superseded by a new governor. It was not until some seven years subsequently and after much trouble with the recalcitrant missionaries, that Sarria finally left the country.

Notwithstanding the dissatisfaction of the missionaries, Arguello had reason to congratulate himself upon the general state of the territory. After the suppression of the conspiracy of the Santa Barbara Channel Indians, there were no fears, at least for a long time, of any further outbreak; and, although reinforcements and supplies were much needed, the troops and people were contented with the condition and prospects of affairs. At the end of April, 1825, however, there was a short period of great inquietude and apprehension. One afternoon, the sentinel of Point Pinos rushed into Monterey with information that a large and suspicious looking war-vessel was approaching; and, though it flew the American flag, it was soon recognized as one of the Spanish fleet of the South Pacific. For a while all was excitement and consternation. Some persons, remembering the attack of Bouchard, fled, and others prepared to leave; but the governor, officers and troops remained quiet and awaited developments. Towards evening the ship anchored; and, when it began to grow dusk, a boat put off. Upon reaching the landing place, the officer in command asked in English the name of the governor and, upon hearing the name of Don Luis Antonio Arguello, he turned to his companions and said, in good Castilian, that so far all was favorable. He asked to be presented to the governor and was at once taken to his house. Upon entering the gubernatorial chamber, he addressed Arguello by name and without ceremony as an old acquaintance. Seeing Arguello hesitate, he introduced himself as Jose Martinez, whereupon Arguello opened his arms; and the two cordially embraced.

After a few moments spent in renewing ancient friendship, Martinez proceeded to explain the object of his visit. He said that his vessel was the line-of-battle ship *Asia* and had recently been engaged as one of the Spanish fleet fighting on the coast of Peru. The fleet had been defeated; but his vessel and the

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<sup>1</sup> Cal. Archives, D. R. I, 84.

brigs *Constante* and *Aquila* had managed to escape. They were unwilling to surrender to the Peruvians, but had resolved to give themselves up; and, at his suggestion, they had come to Alta California for that purpose. The *Constante* was following him and might be expected at any moment; but the *Aquila* had long since parted company, and he did not know where it was. In answer to this proposition, Arguello replied that he would accept the surrender; and the two immediately arranged the terms of capitulation, which were the next day reduced to writing and signed by both parties.<sup>1</sup> The document bore the date of May 1, 1825. By it, Martinez placed at the disposition of the government of the Mexican Republic the ship *Asia* and the brig *Constante* with all their arms and stores. Arguello, on the one hand, undertook to guarantee to the officers, mariners, and crews all their personal rights. Martinez, on the other hand, agreed for himself, his officers and men, to swear to independence; but it was provided that, if any of the latter so desired, they were to be allowed to decline the oath and to be sent at public expense to some Spanish port. A commission was to be named by Arguello and placed in charge of the vessels, which were to be conducted to Acapulco; and the crews were to remain in them and have the option of entering the service of the republic, in which case they were to be paid all the wages due them. It was further provided that the surrender was made in good faith and that every intendment was to be construed in favor of the surrendering party.<sup>2</sup>

The articles being completed and signed, the *Asia* hoisted the Mexican tricolor and fired a salute of twenty-one guns, which was answered by a like salute from the fort; and the result was that the densest cloud of gunpowder-smoke settled over the harbor that had ever been seen at Monterey. It was remarked that it hid the triumph of the republic from the eyes for the time, but only to render it more perceptible to the ears in the booming of guns and hurrahs of people on ship and shore. And not a word was spoken or whispered in favor of Spain or King Fernando VII. Within a week or two afterwards the *Constante* arrived. It had been delayed by a severe storm and came near being shipwrecked. But, according to the

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<sup>1</sup> Osio MS.

<sup>2</sup> Cal. Archives, D. S. P. I, 432-434.

account which was given to Arguello, all on board devoutly besought the protection of the Most Blessed Virgin and vowed in her honor, if saved, a grand mass and a gift of the foresail of the vessel. As the virgin had evidently listened to their prayers, they all upon landing, after surrendering up the vessel in accordance with the terms of the capitulation, directed their course to the church to celebrate their promised mass; and, to testify especial gratitude for their deliverance and safety, they marched barefooted, carrying their shoes in one hand and each having hold of the votive foresail with the other.<sup>1</sup> Both vessels were soon afterwards placed by Arguello under charge of Juan Malarin and sent to Acapulco;<sup>2</sup> and in reward for their respective services in the affair Arguello was promoted to the rank of lieutenant-colonel and Malarin to that of lieutenant of the navy.<sup>3</sup>

About the same time that the *Constante* arrived at Monterey, the *Aquila* sailed into the roadstead of Santa Barbara. Its commander was one Pedro Angulo. If report does not belie him, he was a very ignorant man; and he certainly acted as such at Santa Barbara. He put on a grand uniform, decked with ribbons, and presented himself at the house of the comandante Jose Antonio de la Guerra y Noriega, at the time one of the latter's daughters was being married to William E. P. Hartnell. Striding in among the guests, he stated that he was a Frenchman and did not speak Spanish well. Hartnell the bridegroom, who understood French as well as Spanish and English, stepped forward and spoke in French; but the intruder was unable to answer. A short conversation was then held in Spanish; but it was unsatisfactory. Angulo inquired about the *Asia* and *Constante*; and, when told that the *Constante* had not arrived, he turned on his heel and abruptly went back to his vessel, scornfully rejecting the repeated invitations that were tendered him to remain and partake of the wedding feast. Upon getting on board, he ordered the anchors raised and, spreading his sails, stood out to sea again. But as he went, he fired a gun; and the ball went crashing into the presidio. Fortunately it did little injury; but no one could understand what he meant by such absurd conduct unless it were to manifest

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<sup>1</sup> Osio MS.

<sup>2</sup> Cal. Archives, D. S. P. I, 258-261.

<sup>3</sup> Osio MS.

to the people of Santa Barbara that, though he himself could not speak, his guns could be voluble enough. It was afterwards learned that he sailed back to South America and surrendered at Valparaiso.<sup>1</sup>

The jealousy of foreigners, which had always characterized the Spanish government, continued to actuate the government of the Mexican republic. It was a part of the national feeling and was very little altered by the revolution. The laws of the Indies, it is true, had recognized and allowed the immigration of useful foreigners into any part of Spanish America;<sup>2</sup> but the privilege of settling was placed under so many conditions and restrictions that it was practically of little use; and during the Spanish regime hardly any foreigners entered California with the object of residence. With the exception of the Russians, who occupied an anomalous position, almost all the foreigners in the country—and they were very few—were shipwrecked mariners or deserters. In 1814, John Gilroy an Englishman, then about twenty years of age and a cooper by trade, arrived in a British vessel and determined to remain. In 1818 he solicited naturalization, giving his name as Juan Antonio Maria Gilroy and stating that he had joined the Catholic church; and in 1820 he was granted permission to settle as a citizen and marry.<sup>3</sup> About the same time Philip James an American carpenter, who called himself Felipe Santiago, and an Irish weaver, who assumed the name of Juan Maria, were also allowed to settle and marry.<sup>4</sup>

In January, 1816, the American schooner *Albatross* was driven by stress of weather and want of provisions into Santa Barbara, where it was seized and the captain, William Smith, and five men held for some time as prisoners.<sup>5</sup> In 1819, Governor Sola wrote that he had had a number of useless old pistols sent from San Diego to Santa Barbara and repaired at the latter place by an American prisoner, who had shown himself an expert at the business;<sup>6</sup> and it seems that the handy artificer was one of the crew of the old schooner. Between the

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<sup>1</sup> Osio MS.

<sup>2</sup> Cal. Archives, D. S. P. XIX, 1, 2.

<sup>3</sup> Cal. Archives, P. R. IX, 627; S. P. V, 725.

<sup>4</sup> Cal. Archives, D. S. P. XIX, 1; S. P. XVII, 710.

<sup>5</sup> Cal. Archives, P. S. P. Ben. Misc. II, 294-301.

<sup>6</sup> Cal. Archives, S. P. XVII, 643, 644.

years 1816 and 1818 there was a great deal of talk about expelling the Russians from Bodega and Fort Ross. In the former year, Governor Sola held a conference at San Francisco with Lieutenant Otto Von Kotzebue, the leader of a Russian scientific expedition then there, and Alexander Koscoff, the comandante of Fort Ross, with a view of ascertaining the ulterior purposes of the Russians in reference to their settlements in California. But nothing resulted either from the talk or the conference except an exhibition of the jealous feelings of the Spaniards.<sup>1</sup> Afterwards in 1820, the Russian governor at New Archangel wrote to the governor of California that he sent him a large and beautiful piece of glassware which he had procured expressly for the purpose from St. Petersburg, and also by the same vessel a quantity of goods to be exchanged for grain; and he hoped that the friendly intercourse and trade which had theretofore existed between the Russians and the Californians would continue.<sup>2</sup> As a matter of fact, though there was a continual series of complaints and threats against the settlements of Bodega and Fort Ross, there was no attempt to disturb them. On the contrary the trade with the Russians, being plainly advantageous, increased year after year; and several ships of the Russian American Company wintered and traded on the coast every season.

In February, 1823, after the revolution had been accomplished and during the existence of the empire, the government issued a decree that no foreigners should be allowed to travel without proper passports or letters of security;<sup>3</sup> and in October of the same year, after the destruction of the empire, a general order was issued that all foreigners throughout the country should give an account of themselves to the proper officers within their jurisdictions.<sup>4</sup> In October, 1824, after the adoption of the republican constitution, one of the first acts of the new government was to provide against the ingress of foreigners into any of the territories of the republic.<sup>5</sup> And for many years afterwards the same spirit, narrow-minded and mistaken as it

<sup>1</sup> Cal. Archives, P. R. IX, 517-522, 612.

<sup>2</sup> Cal. Archives, S. P. VIII, 520-522.

<sup>3</sup> Cal. Archives, S. G. S. P. II, 30-32.

<sup>4</sup> Cal. Archives, D. S. P. I, 50, 51.

<sup>5</sup> Cal. Archives, D. R. III, 27.



now appears to all intelligent people, was the settled policy of the Mexican government.

The condition of affairs in Alta California, however, tended to change the feelings with which foreigners were generally regarded and very greatly altered the manner and spirit with which they were treated. The necessities of the country had for years compelled the allowance of the trade with the Russians; and, as soon as independence from Spain became established, other foreigners began to come in and were hospitably received. In 1822, William E. P. Hartnell, who afterwards settled and became a permanent resident of the country, arrived from South America. He was an English merchant, connected with the house of John Begg & Co. of Lima, Peru. He and a partner named McCall or McCulloch entered into a commercial contract for three years with Father Mariano Payeras, the prefect of the missions, for the purchase of hides and other products; and thus started what may be called the first regular mercantile business in California.<sup>1</sup> In 1823, four American whale-ships anchored at San Francisco;<sup>2</sup> and on one of these arrived William A. Richardson, another Englishman who married and settled in the country. Later in the same year the schooner *Rover* of Boston arrived at Monterey with a cargo of merchandise in charge of John Rogers Cooper, its captain and owner. As soon as he landed, Cooper at once presented himself to Arguello and asked permission to trade, at the same time offering to pay such duties as might be demanded by the government. Notwithstanding the ports were all by law declared to be closed against such commerce, Arguello assumed to act under the higher law of necessity and acceded to Cooper's proposition; and his action met the hearty approval of the people of the country, who were thus enabled to procure cotton stuffs and other articles of common use, of which they had been deprived ever since the old royal ships had ceased to make their regular trips. For the purpose of arranging the duties, Arguello appointed an administrator or collector of customs. The cargo was then landed and business commenced. And thus started the American trade upon the coast.<sup>3</sup>

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<sup>1</sup> Cal. Archives, S. P. XVII, 283; XVIII, 31, 35; D. S. P. I, 18-20.

<sup>2</sup> Cal. Archives, S. P. XI, 219.

<sup>3</sup> Alvarado MS.

Arguello was so well satisfied with Cooper that he determined to purchase his schooner and send it in his charge to China for the purpose of disposing of a large quantity of otter skins, which he held in trust for the government. These skins were principally the product of bargains with the Russians, by the terms of which they had given one-half of the skins taken for the privilege of hunting.<sup>1</sup> They were at that time worth at Canton from twenty to a hundred dollars apiece; and, if a successful voyage could be made, the returns would be large and the cost of vessel and voyage more than paid. The schooner was accordingly purchased for nine thousand dollars;<sup>2</sup> made a Mexican vessel; loaded with skins and sent across the Pacific. It arrived at Canton in due time and Captain Cooper disposed of the skins at fair prices, and upon his return rendered his accounts to Arguello in a manner entirely satisfactory. With a portion of the receipts, Arguello cleared off one-half of a debt of twenty thousand dollars owing to the missions for moneys advanced to purchase the vessel and other expenses, for all which he had made himself personally responsible. Cooper was next sent in the schooner to Mexico in the hopes of procuring aid for the province and particularly pay for the soldiers; but, when he arrived at the capital, he found the government and finances in disorder and was unable to accomplish anything of importance. Arguello consequently remained indebted to the missions ten thousand dollars; but afterwards, in view of his sacrifices for the good of the country and his excellent government, the debt was remitted and his obligation canceled.<sup>3</sup>

In 1824 William A. Gale arrived as agent of one or more mercantile firms of Boston and established at Monterey the first American business house; and in the same year Hartnell opened an English house at the same place. Both these houses became permanent and in the course of a few years carried on a large trade. They may be said to have given the first start to the regular exportation of hides, which soon afterwards became, and for a number of years continued to be, the chief business of the country. Their merits as such founders

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<sup>1</sup> Alvarado MS.

<sup>2</sup> Cal. Archives, D. S. P. I, 597-602.

<sup>3</sup> Alvarado MS.

of commerce were great. But there was still another respect in which they and other foreigners, who followed them, did still greater service to the country. This was by marrying into the old Californian families and by their influence modifying and softening the absurd prejudices against foreign blood, which seemed to have been inherited by the people from their Spanish ancestors. Thus the liberal policy initiated by Arguello not only had an immediate beneficial effect in creating a market for the products of the country, but led to still more beneficial ulterior results of a moral and social character.

Marriages of daughters of Californian houses with foreigners were not confined to those of American and English blood. In 1822 Jose Bolcoff, a Russian who was employed in the country as an interpreter, chose as his wife Candida the daughter of Francisco Castro. Much objection at the time was made; but the lady herself and her parents recognized Bolcoff as a very worthy man and insisted on their right to have a husband of their own choice. A few letters passed between the government and the missionary of San Rafael in relation to the subject; but the result was that the marriage took place,<sup>1</sup> and Bolcoff settled and reared a Californian family. All or nearly all the marriages with foreign husbands were fortunate; and by degrees marriageable young ladies throughout the territory began to look upon suitors of foreign blood with more favor than upon those of their own country. There was naturally much dissatisfaction on the part of the young men of native birth with this state of affairs; but the effect was to make better and more deserving men of them; and the general result was to advance the cause of industry, education, accomplishments and culture.

With the foreigners, who had thus begun to come to California, came also various foreign ideas and customs, and among them some which were by no means acceptable to the church and missionaries. In 1824, Father Vicente Francisco de Sarria the president of the missions, brought the subject before the provincial junta and complained of the infidel publications and papers which had been introduced and threatened the loss of souls. At his instance a law was adopted making it a civil

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<sup>1</sup> Cal. Archives, S. P. XVIII, 37, 38.

offense to have such documents and subjecting the possessors to pecuniary and personal punishment, at the discretion of the governor, in addition to the censures of the church.<sup>1</sup> This was the mere beginning of a crusade on the part of the missionaries against heresy and heretical books, among which were counted many volumes of a purely literary or scientific character; and it became the practice to hunt for them and commit them to the flames.

Besides books and papers which were considered so objectionable, the foreigners introduced a new dance, which especially excited the ire of the church. This was the waltz. It had become fashionable in the country, notwithstanding the opposition of the missionaries, until at length an edict was procured from the bishop of Sonora imposing the punishment of excommunication upon any person who should commit so heinous an offense as dance it either in private or in public. The prohibition was published at San Carlos and a copy posted up at the door of the church at Monterey. Great was the consternation of the youth of both sexes, who had entered into the spirit of waltzing with much enthusiasm. It had become a custom in that, as well as other presidios, for the families of the officers and soldiers to congregate very frequently in the evenings during the winter season and divert themselves; and at Monterey the different officers were always ready to give up the use of their largest apartments for the use of the waltzers and to partake of the amusement themselves. One of these reunions had been appointed for the house of Comandante Jose Maria Estudillo on the evening of the very Sunday on which the terrible edict was posted up; and Arguello and his lady were present. The young people at first were at a loss to know how to act; but at length one of them ventured to ask the governor his opinion of the edict. Arguello answered that he was not a bishop or an archbishop and had no jurisdiction over the subject of dancing; but, if he knew how and felt like it, he would certainly waltz as much as he pleased. This answer was enough to set the whole company whirling; and it was never known that any specially bad result followed. The church deemed it imprudent, after such an opinion from the governor

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<sup>1</sup> Cal. Archives, D. S. P. S. Jose IV, 62.

and such a general and popular disregard of the edict, to attempt to enforce it; and the waltz continued thenceforth a regular part of the Californian dance.<sup>1</sup>

A specimen of missionary excommunication was furnished about this same time at San Luis Obispo. The missionary there was Father Luis Antonio Martinez, a man of many good qualities but of very violent temper. As he was one day passing along the corridor of the church, he noticed Manuel Avila, the corporal of the guard, walking near the huts of the neophytes. He angrily called out and asked what he was doing, at the same time saying he had no business there. Avila replied that he was taking a walk and that it was his privilege as a corporal of the guard to go where he pleased, as long as he did not enter the habitations of the Indians. Both spoke in so loud a tone that a crowd immediately collected, curious to know the cause of such a disturbance between the two principal representatives of the government. The corporal, seeing this and perceiving that the missionary was too much irritated to notice it, took hold of his robe to attract his attention and suggest that it was a matter with which the spectators had no concern, and that they had better settle the dispute in private. Martinez became still more angry at this suggestion and cried out, "You, with your sacrilegious hands, you dare to touch the robe of St. Francis? Be accursed! I will excommunicate you!" The sudden threat fell like a thunderbolt upon the astonished corporal. A deadly pallor covered his face, and he rushed to his quarters. The missionary, quickly observing the effect he had produced, proceeded to the sacristy and, putting on his ecclesiastical ornaments and collecting the servants of the church, with bell, book and candle marched out to the barracks. As he approached, the corporal drew up his guard as if to oppose him; but the ecclesiastic marched forward as if to an assault and, opening his book, commenced to read the sentence of excommunication. The corporal seized the book from his hands. The missionary, angrier than ever at this, exclaimed that he remembered every word of the formula and proceeded to pronounce the curse in Latin; and, when he had concluded, he turned around and marched back to the church.

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<sup>1</sup> Alvarado MS.

The corporal had been educated to believe that there was something terrible in a sentence of excommunication. He was frightened and hardly knew what to do. He bethought himself, however, of the governor at Monterey and laid before him a circumstantial account of everything that had taken place. As soon as Arguello read it, he burst out laughing at the absurdity of the whole affair, and no less at Avila's fright than at Martinez' churlishness. Soon afterwards he asked for a conference with the prefect of missions, Martinez' ecclesiastical superior; and as soon as the facts could be explained, the sentence of excommunication, such as it was, was revoked.<sup>1</sup> A few years subsequently Father Martinez was seized for conspiracy against the government; put on board a vessel at Santa Barbara, and sent out of the country. Avila, on the other hand, continued to live at San Luis Obispo and in after years obtained a large grant of land in the neighborhood. There he made his final home and reared his family; and there, at the ripe age of eighty years and upwards, he died.<sup>2</sup>

On May 21, 1825, Arguello wrote an interesting report on the condition and prospects of California to the supreme government of Mexico. After speaking of the miserable condition of the Indians; of the sufferings they endured on account of being allowed to remain in their bestial circumstances, poor and diseased and without medical attendance, and of the injustice of keeping them longer in a state akin to that of slavery, he spoke of the admirable physical characteristics of the country; its splendid forests; its soil of incalculable fertility, and its capacities of all kinds for becoming one of the richest and happiest countries of the world. He dwelt upon the advantages in a national point of view of its speedy improvement and prosperity, and implored the attention of the ruling powers to its necessities.<sup>3</sup> At the same time he gave notice that he had suspended, until further order, the sessions of the old provincial deputation, which had been chosen in the time of the empire.<sup>4</sup> But within two months

<sup>1</sup> Alvarado MS. Alvarado, writing about 1878, adds: "La narracion de este acontecimiento fué dada por el mismo Avila al autor de estas paginas en la Ciudad de San Francisco algunos años pasados; la cual se tomó una cosa esencial para referirla en la historia de California."

<sup>2</sup> Alvarado MS.

<sup>3</sup> Cal. Archives, D. R. III, 21-27.

<sup>4</sup> Cal. Archives, D. R. II, 167; D. S. P. S. Jose IV, 117, 118.

after these reports were written and before an answer could have been received to them from the government, the Mexican war-brig Morelos arrived at Monterey with money and supplies for the troops. It also brought information of the appointment, in the preceding February, of Jose Maria de Echeandia as governor of the two Californias and of his sailing from the port of San Blas, on board the schooner *Constancia*, for Loreto in Lower California.<sup>1</sup>

The arrival of the Morelos with money and supplies, and still more so the news which came about the same time of the recognition of the independence of Mexico by the United States and Great Britain,<sup>2</sup> were supposed to render the further presence of the Mazatlan troops in California unnecessary. They had been sent to the country in 1819, after the attack of the Buenos Ayres insurgents on Monterey, and had been stationed at San Diego. They consisted originally of one hundred men under the command of Pablo de Portilla; but they had since dwindled down to eighty-one men, and were now ordered to take up their march homeward, by the way of the Colorado, under the command of Jose Romero.<sup>3</sup> Towards the end of 1825, Jose Figueroa, then comandante-general of Sonora and Sinaloa, marched to the Colorado to meet them and from that point wrote to hasten their march;<sup>4</sup> but before they got under way, Figueroa was called off by an uprising of the Yaqui Indians;<sup>5</sup> and the Mazatlan troops not only remained in California, but the order for them to march was countermanded. The San Blas troops, which had been sent to California at the same time and stationed at Monterey, also remained. Though they consisted at first, like the Mazatlan troops, of a hundred men, yet for various causes they had dwindled much more rapidly. While a few, like Francisco de Haro,<sup>6</sup> became permanent and steady residents, others led disorderly lives and were scattered. In 1827, when an order was issued for their return to San Blas<sup>7</sup>—

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<sup>1</sup> Cal. Archives, D. R. III, 29, 30.

<sup>2</sup> Cal. Archives. D. R. III, 28, 29.

<sup>3</sup> Cal. Archives, D. S. P. I, 280-285.

<sup>4</sup> Cal. Archives, D. S. P. I, 295-303.

<sup>5</sup> Cal. Archives, D. S. P. Ben. LVII, 462, 463.

<sup>6</sup> Cal. Archives, D. S. P. Ben. LX, 1.

<sup>7</sup> Cal. Archives, D. R. V, 380-382.

which however was not carried into effect—there were only forty of them left.<sup>1</sup>

It was chiefly on account of the bad character of the San Blas troops and their frequent offenses, that Arguello felt himself obliged in the early part of 1824 to issue a sanguinary proclamation against robbers and burglars. His predecessors, he said in giving his reasons for his severe law, had been entirely too lenient, and crime had increased to a fearful extent. He had himself tried the usual punishments; but they had been ineffectual to stay the tide of vice. He therefore ordered that thenceforth every person guilty of stealing property of the value of two hundred reals and upwards or any one guilty of burglary or house-breaking should suffer death; and, in case the crime was accompanied with murder, that his body should be quartered. Every person guilty of stealing from ten to fifty reals was to be condemned to labor on the public works for ten years; and, where the amount stolen exceeded fifty and did not reach two hundred reals, he was, in addition to the ten years of public works, to suffer six public floggings or run the gauntlet of two hundred men armed with heavy switches six times.<sup>2</sup> He further ordered that trials for such offenses should be conducted, in compliance with the new "Plan de Gobierno" then recently adopted, according to military law; and he directed that his proclamation should be posted up in the usual public places for general information.<sup>3</sup>

It cannot be believed that this barbarous specimen of criminal legislation was intended as a mere idle threat. Nor can it be believed that it emanated exclusively from the breast of such a moderate and kindly disposed man as Arguello is known to have been. It must be taken therefore as an index of the low state of criminal jurisprudence in the province and a sign of the bold and daring lawlessness that called it forth. But whatever may be said of its character, the proclamation appears to have had a salutary effect; and crimes of the kind provided against became so infrequent that no quarterings or capital punishments took place under it. The only capital sentence in fact, that was

<sup>1</sup> Cal. Archives, D. S. P. Ben. LXIV, 1.

<sup>2</sup> "Seis carreras de baquetas por 200 hombres."—Cal. Archives, D. S. P. S. Jose IV, 48.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose IV, 48, 49.



inflicted in the course of Arguello's administration, was upon an Indian neophyte of San Francisco named Pomponio, who had been convicted of various crimes, including murder, and was executed by shooting at Monterey in February, 1824.<sup>1</sup>

Echeandia, the new governor of both the Californias, arrived at Loreto on June 22, 1825, and at San Diego some four months afterwards. He wrote for Arguello to meet him at that place; and the latter, upon receiving the letter, immediately sailed from Monterey in obedience to the summons. He went off in haste and without designating any one to command during his absence. He seems to have deemed this unnecessary; but, if so, the various officers he left at the capital thought otherwise; and, calling a council, they appointed Jose Maria Estudillo; and thus it came about that for a short period at the end of 1825 there were three different persons called governor of Alta California—Echeandia, the gobernador propietario of both the Californias, then at San Diego; Arguello, the gobernador interino of Alta California, then on his way to that place; and Estudillo, the new gobernador interino, in command at Monterey.

As soon as Arguello reached San Diego, which was about the end of October, he delivered over the government to his successor; and soon afterwards he returned to Monterey. Thence, about the beginning of 1826, he removed to San Francisco and resumed his former office of comandante of that place. But before leaving Monterey he got into a notable controversy. It seems that Echeandia, who still remained at San Diego, had ordered the government archives to be removed from Monterey to that place; and Estudillo had packed them upon mules and started off with the intention of complying with the order. Arguello, as well as the people in general of the northern part of the territory, was bitterly opposed to the proposed removal; and when Estudillo had got about two leagues and a half from Monterey, he was overtaken by a file of soldiers, sent after him by the orders of Arguello, and compelled to return. On his way back, he found himself surrounded like a prisoner; and, though not otherwise abused, he considered himself dreadfully insulted. Upon writing to Echeandia an account of what had taken place, he complained that he had been treated like a felon in the presence of strangers, as well as before the people of Monterey,

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<sup>1</sup> Cal. Archives, P. S. P. Ben. LII, 395-432.

and insisted that Arguello's conduct manifested a scandalous want of respect for the governor as well as for himself.<sup>1</sup> As soon as Echeandia heard of the circumstances, he wrote to Arguello in a tone by no means amiable, requiring an immediate and unconditional compliance with his order; and Arguello was obliged to obey.<sup>2</sup>

Towards the end of 1828, Arguello became involved in another difficulty. Complaints were made against him on account of his old bargain with the Russians in reference to otter skins. They had been allowed to hunt at San Francisco and its neighborhood for one-half the products of the chase; and the result was that the comandante had received a large number of skins. These he had held and disposed of for the benefit of the government, until the traffic was ordered to cease;<sup>3</sup> but there seems to have been trouble about the old accounts; and he was much worried. These and other troubles affected his health and induced an excessive use of intoxicating liquor. The result was that he soon became entirely unfit for business and about the middle of 1829 was removed from his office of comandante.<sup>4</sup> On March 27, 1830, at the age of forty-six years, he died;<sup>5</sup> and his body was buried in the church-yard of the Mission Dolores.<sup>6</sup>

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<sup>1</sup> Cal. Archives, D. S. P. I, 583-588.

<sup>2</sup> Cal. Archives, D. S. P. I, 581, 582.

<sup>3</sup> Cal. Archives, S. G. S. P. IV, 296, 297.

<sup>4</sup> Cal. Archives, S. P. XI, 90.

<sup>5</sup> Cal. Archives, S. P. XII, 63.

<sup>6</sup> Osio MS.

## CHAPTER III.

### ECHEANDIA.

JOSE MARIA DE ECHEANDIA, the third Mexican governor of Alta California and also governor of Baja California, was a lieutenant-colonel of engineers in the Mexican army. He was appointed, under the title of comandante-general of the Californias, by Victoria the president of the republic on February 1, 1825, and directed to proceed at once to his jurisdiction.<sup>1</sup> At or about the same time a series of instructions was issued to him, by which he was ordered as soon as practicable to prepare and report to the government a census of the inhabitants of each of the two territories, and all the statistical information he could collect as to their climate, soil, productions and physical peculiarities. He was to ascertain the names and characters of the Indians; examine into the affairs of the missions; investigate the relations in which the missionaries, neophytes and gentiles stood towards one another and towards the government, and report what measures were necessary to ameliorate the condition of the natives. He was to pay particular attention to the public lands, their quality and extent; to report what inhabitants, Indians as well as whites, were fit to cultivate them; and in proper cases he was authorized to make grants, taking care that they were not prejudicial to the mission establishments and that information of the same should be given to the general government for its approval. He was to watch the Americans at the Columbia; keep them informed that the dividing boundary was the parallel of 42°, and report any movements to the south of that line. He was also to watch the Russians at Bodega; and, if either they or the Americans should enter Californian rivers to fish or hunt, he should make reclamations, but

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<sup>1</sup> Cal. Archives, S. G. S. P. III, 469; XIX, 282; D. R. I, 172; S. P. XIV, 7.

in such terms as not to disturb the friendly relations existing between their governments and Mexico.<sup>1</sup>

Upon receiving notice of his appointment, and his instructions having been placed in his hands, Echeandia made preparations for his departure. Leaving his family at the federal capital and gathering together a few subordinate officers to accompany him, he set out for Acapulco.<sup>2</sup> Thence he sailed to San Blas and from there proceeded to Tepic, where he arrived in April, 1825.<sup>3</sup> At that place he wrote back to the supreme government that he wished to resign his new office and return to his place in the Mexican army; but his request was refused, and he was ordered to proceed.<sup>4</sup> Returning to San Blas, he sailed from that port on June 12, in the schooner *Constancia*, with his officers and a few troops which he had collected, for Loreto, where he arrived on June 22.<sup>5</sup> At Loreto, he remained a few months and then marched overland to San Diego, which he reached about the middle of October.<sup>6</sup> In the meanwhile preparations had been made in Alta California for his arrival; and, among other things done, Corporal Manuel Avila of San Luis Obispo had been sent off with a train of mules and pack-saddles to meet him. Avila had gone a very short distance, however, before Echeandia approached,<sup>7</sup> having traveled faster than was anticipated. Immediately upon his arrival at San Diego, he sent for Arguello; and, as soon as the latter came and delivered over the government and command, Echeandia, on or about October 31, 1825, commenced his administration. He began with an official communication, directed to Father Narciso Duran of San Jose who had become president of the missions of Alta California, and calling upon him as such to take the oath to the acta constitutiva and federal constitution.<sup>8</sup>

Being governor of both the Californias, Echeandia fixed his head-quarters for the time being at San Diego. It was conveniently situated near the dividing line between the two territories

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<sup>1</sup> Cal. Archives, S. G. S. P. VIII, 282-286.

<sup>2</sup> Cal. Archives, D. R. II, 103-107.

<sup>3</sup> Cal. Archives, D. R. II, 108, 109.

<sup>4</sup> Cal. Archives, S. G. S. P. III, 470.

<sup>5</sup> Cal. Archives, D. R. II, 113, 114.

<sup>6</sup> Cal. Archives, D. R. II, 3-13.

<sup>7</sup> Cal. Archives, D. S. P. Ben. LIV, 46, 47.

<sup>8</sup> Cal. Archives, D. R. II, 16.

and near the road from the Californias to Sonora. The port was a good one, affording communication by sea with other Mexican ports; and, although the presidio was in a ruinous condition, the place was still inhabitable and offered many advantages.<sup>1</sup> Having thus established himself, he began to inquire into the condition of things about him; and, as he had commenced with the subject of the missionaries and their position towards national independence and the federal constitution, he continued in the same line of investigation. In April, 1826, he called a convocation consisting—besides himself, his secretary and the alcalde of Los Angeles—of Fathers Jose Sanchez, Jose Maria Zalvidea, Antonio Peyri and Fernando Martin, representing the four southern missions of Alta California. After some preliminary discussion upon the situation of affairs, he turned to the missionaries and demanded a categorical answer as to whether they were willing to take the oaths; and, upon their answer in the affirmative, he drew up a formula to which they subscribed. By its terms, they swore, in the presence of God and the Holy Evangelists, to support the *acta constitutiva* and the federal constitution of 1824 in every respect compatible with their ministry and religious profession. Echeandia then mentioned a rumor he had heard, that the college of San Fernando in Mexico proposed relinquishing its charge of the temporalities of the missions; and the missionaries replied that such a proposition had been broached and they all expressed themselves willing and desirous that it should be carried into effect. In view of the likelihood of this action and the consequent secularization of the missions, the convocation next discussed the question of forming an Indian pueblo at or near San Fernando, apparently as an experiment or model; and it was proposed and resolved that Echeandia should draw up a "reglamento" or system of government for the proposed new establishment.<sup>2</sup>

In June following, a circular was issued requiring the missionaries in the northern portion of the territory to decide whether or not they would take the oaths.<sup>3</sup> To this, there was in many cases no reply; and it soon became evident that a number of

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<sup>1</sup> Cal. Archives, S. P. XIX, 645, 646.

<sup>2</sup> Cal. Archives, D. S. P. I, 475-477.

<sup>3</sup> Cal. Archives, D. S. P. I, 492, 493.

them were unalterably opposed to the Federal constitution. Father Vicente Francisco de Sarria, the former president of the missions, continued firm in his opposition; so also Father Luis Antonio Martinez of San Luis Obispo. About the middle of 1827, it was rumored that Father Martinez, Father Juan Cabot of San Miguel and Father Antonio Ripoll of Santa Barbara were making preparations to run away; and it was said that Martinez, in anticipation of his escape, had sent off six thousand dollars in money belonging to his mission.<sup>1</sup> Whether this part of the rumor was true or not, it is certain that Ripoll left the country surreptitiously on board the American brig Harbinger in January, 1828, and that Father Jose Altimira in the same manner went off with him.<sup>2</sup> But while some of the missionaries were thus willing to place themselves in the position of fugitives, Sarria exhibited more courage and dignity of character. In 1827 he offered, if allowed to go freely, to proceed to and propagate the faith in the Sandwich Islands. The government, however, rejected his proposition and ordered that he should be unconditionally sent out of the country.<sup>3</sup> About the middle of 1828, Echeandia wrote that he had received the reiterated orders for Sarria's expulsion and that he would fulfill them upon the first opportunity that presented itself.<sup>4</sup> But afterwards, in November, he added that he had not yet complied, for the reason that, if Sarria were thus sent away, others would follow, and the result upon the missions and country in general could not be other than disastrous.<sup>5</sup> In the meanwhile there were various rumors that Martinez had effected his escape and followed the money he was supposed to have sent forward in advance;<sup>6</sup> but the truth was, that he followed the advice and example of Sarria by remaining in the country;<sup>7</sup> and he continued to reside in the country until, as already stated, he was seized, put on board a vessel at Santa Barbara and forcibly expelled in 1829.<sup>8</sup>

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<sup>1</sup> Cal. Archives, S. P. XIV, 549-552.

<sup>2</sup> Cal. Archives, S. G. S. P. IV, 184-186; S. P. X, 751, 752.

<sup>3</sup> Cal. Archives, S. G. S. P. XIX, 497, 498.

<sup>4</sup> Cal. Archives, D. R. VI, 158.

<sup>5</sup> Cal. Archives, D. R. VI, 215, 216.

<sup>6</sup> Cal. Archives, D. S. P. XIX, 35, 36.

<sup>7</sup> Cal. Archives, D. R. VI, 240, 241.

<sup>8</sup> Alvarado MS.

The bitterness manifested by the federal government against the Spanish missionaries, who had refused to take the oaths, was soon merged in a more sweeping and more violent bitterness manifested against all Spaniards in general. In May, 1826, the federal congress abolished titles of nobility, coats of arms and everything calculated to recall to memory the old dependence upon Spain;<sup>1</sup> and in May, 1827, it decreed that no person of Spanish birth should exercise any public employment, either civil or military, as long as Spain refused to acknowledge the independence of the republic.<sup>2</sup> On December 20, 1827, it issued a decree for the expulsion within six months of all Spaniards referred to in the treaty of Córdoba except certain of them who were married to Mexican wives;<sup>3</sup> and on March 20, 1829, it decreed that all Spaniards, residing in Alta and Baja California, New Mexico and other northern territories, should leave the territory of their residence within one month and the republic within three months after the publication of the order.<sup>4</sup>

Echeandia, when he received the expulsion act of December 20, 1827, sent a copy to Lower California and required of the various alcaldes circumstantial returns of all the Spaniards in the territory. Having received the information desired, he deemed it impracticable to execute the law strictly. There were for instance only five missionaries; all were Spaniards but all well affected to the government, and, besides, they were subject to the prelacy of a Mexican superior. If they should be sent away, the country would be left substantially without religious ministration. There was also a lack of military talent in the territory; and, if Ensign Fernando de la Toba who had grown gray in the service of the peninsula should be sent away, it would suffer severely. Altogether there were, according to the returns, only seventeen persons of Spanish birth in Lower California; and, in view of this fact and the necessities of the country, Echeandia determined that the subject of expulsion deserved further consideration.<sup>5</sup>

When the decree of December 20, 1827, was published in Alta

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<sup>1</sup> Cal. Archives, D. S. P. S. Jose, III, 82.

<sup>2</sup> Cal. Archives, D. S. P. Jose, III, 102; D. S. P. Ang. IX, 10.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose, III, 288-292; D. S. P. Mon. I, 129-133.

<sup>4</sup> Cal. Archives, S. G. S. P. V, 83-87; D. S. P. S. Jose, III, 151.

<sup>5</sup> Cal. Archives, D. R. VII, 191-196.

California and lists of Spanish residents collected, a number, who were wedded to monarchical institutions and unwilling to live under the republic or struggle against further persecution, applied for passports and left the country.<sup>1</sup> There were a number of others still remaining and among them twenty-six missionaries. Most of these were old men, nine over sixty years of age and fifteen of infirm health. Of the whole number, Fathers Juan Amoros, Magin Catalá, Marcos Antonio de Victoria, Jose Viader, Buenaventura Fortuni, Fernando Martin, Geronimo Boscana, Jose Sanchez, Jose Maria Zalvidea and especially Antonio Peyri, Antonio Jayme, Jose Maria Barona, Francisco Suñer and Juan Moreno were well disposed towards the government and Echeandia therefore recommended that they should be allowed to remain. On the other hand Fathers Felipe Arroyo de la Cuesta, Blas Ordaz, Pedro Cabot, Juan Bautista Sancho, Juan Cabot, Francisco Gonzalez de Ybarra, Vicente Pasqual Oliva, Narciso Duran, Tomas Eleutario Estenaga, Ramon Abella and Francisco Xavier de Uria were opposed to the government; but in consideration of the circumstances of the country and the preservation of its tranquillity, Echeandia was of opinion that they should not be obliged to leave until their places were filled by substitutes.<sup>2</sup> Of the other two, Fathers Vicente Francisco de Sarria and Luis Antonio Martinez, special mention has already been made. Of those opposed, Father Estenaga appears to have changed his mind after speaking in favor of the constitution in 1825,<sup>3</sup> and Father Ordaz, after swearing to it in 1826.<sup>4</sup>

When the new act of expulsion of March 20, 1829, referring in express terms to the Californias, arrived, Echeandia sent it forth for publication;<sup>5</sup> but, in accordance with his previously expressed opinions, he had little expectation that it could be, or in fact ought to be, any more rigidly enforced than the other. There was in fact, among the people, a very strong opposition to it in so far as it affected the missionaries and especially those who had taken the oaths. In the pueblo of San Jose this feeling was apparently unanimous.<sup>6</sup> The ayuntamiento or town council

<sup>1</sup> Cal. Archives, D. R. VII, 133-139.

<sup>2</sup> Cal. Archives, D. R. VII, 140-158.

<sup>3</sup> Cal. Archives, S. P. XIV, 688.

<sup>4</sup> Cal. Archives, D. R. VII, 151.

<sup>5</sup> Cal. Archives, D. S. P. II, 334-339.

<sup>6</sup> Cal. Archives, D. S. P. II, 361, 362.



of that place met and in the name of the whole people protested against its execution; and at the same time they implored the governor to use his influence to procure such a modification of its terms that the missionaries, upon whom the country depended for spiritual consolation, and many worthy citizens, who formed an important part of their too small population, might be excepted from its operation.<sup>1</sup> It was apparent that there would be very great difficulty in attempting to carry out either the letter or the spirit of the law; and during Echeandia's administration, with the exception of expelling a few persons of little consideration,<sup>2</sup> nothing of importance was done in relation to it.

In 1826, while the governor remained at San Diego, a census of Alta California was taken under the general superintendence of Jose Antonio de la Guerra y Noriega of Santa Barbara. It showed a population, not including gentiles, of twenty-four thousand six hundred and fourteen,<sup>3</sup> being an increase of a little more than two thousand over the census of 1816.<sup>4</sup> This increase was made up partly by the neophytes of the new missions of San Rafael and San Francisco Solano and partly by the new arrivals at Monterey. These new arrivals, unfortunately, were mostly convicts or off-scourings. California, on account of its remoteness from Mexico, had been regarded during Spanish times as a sort of place of exile and penal servitude; and it continued to be so regarded for some time after the revolution. Iturbide in 1822 spoke of sending certain deserters from the army either to the public works at Vera Cruz or to the Californias.<sup>5</sup> In 1825, among the reinforcements and supplies sent by the government on board the brig Morelos to Monterey, were eighteen convicts.<sup>6</sup> In January, 1826, in a report presented to congress, Manuel Gomez Pedraza the secretary of state recommended that the Mexican army should be reformed by filling it with virtuous citizens and sending the vagabonds off to the Californias and New Mexico, where they might be utilized by the adoption of a wise system similar to that of England at

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<sup>1</sup> Cal. Archives, M. & C. II, 16-18.

<sup>2</sup> Cal. Archives, S. G. S. P. IV, 325.

<sup>3</sup> Cal. Archives, M. V, 152, 153.

<sup>4</sup> Cal. Archives, P. S. P. Ben. XLV, 546.

<sup>5</sup> Cal. Archives, S. G. S. P. I, 278.

<sup>6</sup> Cal. Archives, S. P. X, 338, 339.

Botany bay.<sup>1</sup> In 1828, in passing a law against secret meetings, the punishment prescribed for a third offense under it was confinement in one of the Californias for four years;<sup>2</sup> and during the same year nearly fifty persons were sentenced for various offenses to terms in the Californian presidios.<sup>3</sup>

About the beginning of 1827 Echeandia called a convention at San Diego of the electoral junta for the purpose of choosing a territorial deputation. Since the suspension of the old provincial deputation by Arguello in May, 1825, no legislative body had met in the territory. The junta convened on February 18, 1827, and elected Jose Mariano Estrada, Tiburcio Tapia, Ignacio Martinez, Antonio Maria Ortega, Juan Bandini, Anastasio Carrillo and Antonio Buelna members and Nicolas Alviso, Joaquin Estudillo and Romualdo Pacheco substitutes. It also elected Jose Antonio de la Guerra y Noriega delegate to the Mexican congress and Gervacio Arguello substitute.<sup>4</sup> As soon as the elections were completed, notices were forwarded to the different members by the terms of which they were directed to meet for organization at Monterey in the following June; and Echeandia commenced making preparations for changing his head-quarters to the same place.

Among the officers at San Diego, who had come up from Mexico with the governor, were Agustin V. Zamorano, who acted as his secretary, and Romualdo Pacheco an ensign of engineers, who had been engaged in various military services since his arrival. Both of them had become enamored of Californian ladies and resolved to marry—the former with Luisa, the daughter of Santiago Arguello, and the latter with Ramona, the daughter of Joaquin Carrillo. As both intended to accompany the governor to Monterey and desired to take their wives with them, the weddings were celebrated previous to their departure. The prominence of the parties and the presence of the governor rendered the occasion one of great interest and festivity. The entire population of San Diego turned out; and afterwards, when the gubernatorial party set off with a military escort for Monterey, they accompanied it a long distance on its journey.

<sup>1</sup> Cal. Archives, S. G. S. P. XIX, 236, 237.

<sup>2</sup> Cal. Archives, S. G. S. P. IV, 369.

<sup>3</sup> Cal. Archives, S. P. XI, 167.

<sup>4</sup> Cal. Archives, D. S. P. Ang. X, 2.

A number of the principal citizens continued with the party all the way; and it is said that the march altogether, graced as it was with the presence of the young brides and their relatives and friends, was the merriest and most enjoyable that had ever taken place in California.<sup>1</sup>

The territorial deputation met at Monterey, in accordance with the governor's orders, on June 14, 1827. The seven members were all present, and were sworn in.<sup>2</sup> On June 16, it adopted rules of order. The sessions were to be held in the governor's house; and there were to be two each week, besides such extraordinary sessions as might be called. Each public session, which was to continue two hours, was to be immediately followed by a secret session of one hour's duration. All matters for discussion were to be proposed in writing and read in at least two different sessions; and those proposed by the government were to have the preference. At each session the record of the previous session was to be read and approved. Votes were to be taken by the secretary by ayes and noes. There were to be three standing committees—one on missions and finance, one on police, and one on education, agriculture and industry in general—the first to consist of three members and the other two of two each.<sup>3</sup> On June 26 a secretary was elected, and the choice fell on a young man eighteen years of age, named Juan Bautista Alvarado, who was destined to play a very prominent part in the history of California, but whose talents and services at that time seem to have been estimated at no more than twenty-five dollars per month.<sup>4</sup> On the same day the deputation provided for a revenue by adopting an act taxing domestic aguardiente at the rate of five dollars per barrel of forty gallons and domestic wine at half that amount in the jurisdictions of Monterey and San Francisco, and double those rates in the jurisdictions of Santa Barbara and San Diego.<sup>5</sup> A few days afterwards it imposed a tax of twenty dollars per barrel on foreign aguardiente and ten dollars per barrel on foreign wine.<sup>6</sup>

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<sup>1</sup> Alvarado MS.

<sup>2</sup> Cal. Archives, S. P. XIX, 739, 740.

<sup>3</sup> Cal. Archives, L. R. I, 144-147.

<sup>4</sup> Cal. Archives, L. R. I, 85.

<sup>5</sup> Cal. Archives, L. R. I, 83, 84.

<sup>6</sup> Cal. Archives, L. R. I, 86-90.

But the most remarkable subject of consideration that came before the deputation was a proposition to change the name of the territory of Alta California to that of Moctezuma. The proposal was made on July 7, 1827, by Echeandia himself. The project was to memorialize the supreme government not only to change the name of the territory, but also to change the name of the "Pueblo de Nuestra Señora de Los Angeles" to that of "Villa Victoria de la Reyna de Los Angeles" and make it the capital. The proposition also included the adoption, as the coat of arms of the new territory, of an oval with an olive and an oak tree on its sides and containing in its center the figure of a plumed Indian with bow and quiver, crossing the supposed straits of Anian. It was the common opinion of the people that the human race had first entered America from Asia and by the way of the northern straits; and the proposed design was to symbolize this idea and was based upon the tendency of those days, so near the revolution and the triumph of the Aztec virgin of Guadalupe, to glorify everything that was Indian. On July 13, the proposition was discussed and approved.<sup>1</sup> In the following November, Echeandia sent off the memorial to Mexico<sup>2</sup>—and that seems to have been the end of it.

What was to be done in reference to the Indians as they actually existed in the territory, still remained a troublesome problem. In March, 1826, the month before he called the convocation of missionaries at San Diego to take the subject into consideration, Echeandia had ordered the political and police jurisdiction of the pueblo of Los Angeles to be extended over the neophytes of San Fernando and that the missionary there, probably on account of his opposition to the federal constitution, should no longer exercise the power of punishment.<sup>3</sup> When the convocation was held in April, it was resolved among other things, as will be recollected, that an Indian pueblo should be established at that point, and Echeandia was to draw up a system of regulations for its government.<sup>4</sup> But in July, instead of following up the project of an Indian pueblo, he, with the approbation of the same missionaries who had taken part in the

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<sup>1</sup> Cal. Archives, L. R. I, 98, 99.

<sup>2</sup> Cal. Archives, M. & C. II, 65.

<sup>3</sup> Cal. Archives, D. S. P. I, 468, 469.

<sup>4</sup> Cal. Archives, D. S. P. I, 475-477.

convocation, issued a circular for the emancipation from mission tutelage of all such Indians within the jurisdictions of the comandancias of San Diego, Santa Barbara and Monterey as might be found qualified to become Mexican citizens. To obtain such emancipation, he provided that a petition should be presented to the comandante of the presidio, setting forth the name, character, condition and circumstances of the applicant, and that the missionary under whose control he served was to have notice and an opportunity afforded him of answering and opposing the application. If the petition was granted, the neophyte with his family, if he had one, was to be absolved from service and dependence upon his mission and be at liberty to settle where he might desire like any other Mexican citizen. At the same time and by the same circular, Echeandia ordered that the missionaries should thenceforth have no greater power of punishment over the neophytes remaining under their charge than a father or tutor had over his children or scholars; and he limited the number of lashes that could be inflicted by a missionary upon any neophyte to fifteen.<sup>1</sup>

The natural result of these movements on behalf of the Indians was to make them restive and more or less disorderly. In August, 1826, one of them, a neophyte of San Luis Rey, in a fit of intoxication at Los Angeles, exhibited the spirit of independence that was springing up among his race by publicly abusing the alcalde, the governor and the nation and declaring that the whites were only fit to be killed.<sup>2</sup> In April, 1827, many of the neophytes of San Luis Rey and San Juan Capistrano refused to continue their accustomed work in the fields; and the guards had to be increased to prevent outbreaks.<sup>3</sup> But in other missions there was more quiet; and a few applications for emancipation were presented. The first of these appears to have been that of an old neophyte of Soledad, called Vicente Juan; and the application was granted by Echeandia himself at Monterey on June 6, 1827.<sup>4</sup> About the same time four neophytes of San Juan Bautista made a similar application to the governor; but Father Felipe Arroyo de la Cuesta, the missionary, intervened and in a

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<sup>1</sup> Cal. Archives, S. P. X, 380-385.

<sup>2</sup> Cal. Archives, D. S. P. Ben. LVIII, 441-470.

<sup>3</sup> Cal. Archives, D. S. P. II, 20-25.

<sup>4</sup> Cal. Archives, S. P. XIX, 734.

long communication opposed it, objecting that the petitioners were not fit subjects for emancipation and showing that much more harm than good would be the necessary result of listening to their solicitations. Their petition was denied.<sup>1</sup>

Though the project of forming an Indian pueblo at San Fernando, which had been discussed in the convocation at San Diego, had been laid aside, the subject of Indian pueblos in general was by no means given up. In the summer of 1828, while at work upon a system for the creation and regulation of such establishments and in view of ascertaining the qualifications of the neophytes for the contemplated changes, Echeandia collected lists of all who could read and write. They were so few, that he immediately ordered schools to be opened wherever there were none; and, in default of preceptors, he directed that those neophytes who could read and write should act as teachers, at least one for every ten scholars.<sup>2</sup> These orders, however, were merely preliminary to his plan of converting all the missions of both the Californias, except the frontier ones of San Rafael and San Francisco Solano, into pueblos, which plan—constituting the first great move towards the secularization of the missions—was published at San Diego on December 11, 1828.

In this carefully drawn document Echeandia provided that all the missions, except the two on the northern frontier, should be converted into pueblos within five years and as rapidly as circumstances would admit. A commencement was to be made in Alta California with the four in the immediate neighborhood of the four presidios; after them San Buenaventura, San Juan Capistrano and Santa Cruz were to be secularized; and afterwards the others. The ranchos annexed to each mission should continue annexed to the pueblo to be formed and be subject to the jurisdiction of its alcalde or an auxiliary alcalde or ayuntamiento, as might be provided by law. The new ayuntamientos to be formed within each district should recognize the presidio or main pueblo as the capital of the district. The lands, which had with the approbation of the government been commonly cultivated by the neophytes up to the time of the oath of independence, together with all the appurtenant chattels, should constitute the property of the new pueblos, which were to be

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<sup>1</sup> Cal. Archives, D. S. P. Ben. LXIII, 3-5.

<sup>2</sup> Cal. Archives, D. R. VI, 497.

composed of the neophytes and such other Mexican citizens as might choose to join them. To each family of neophytes there should be given a "solar" or building lot for a house and a "suerte" or lot for cultivation, or more than one according to circumstances. The building lots were to be seventy-five varas, or two hundred and six feet and three inches, square. Four of these were to constitute a block one hundred and fifty varas, or four hundred and twelve and a half feet, square; and between the blocks there were to be streets and at proper places commodious plazas. The lots for cultivation were to be each two hundred varas, or five hundred and fifty feet, square and were to be located in as convenient situations, fit for cultivation and irrigation, as could be found. To each pueblo there was to be given an "ejido" or public commons at the rate of a square league for each five hundred building lots; and these commons were to be selected with reference to their water courses or springs and trees.

He further provided that, when the conversion of a mission into a pueblo took place, there should be given to each family two cows, one with calf; a mare; two sheep, one with lamb; a breeding goat, a yoke of oxen, two horses, a mule, a plow-point, a hoe, a rake, a hatchet and an ax. For the common use of all, there were to be provided two asses and three jennies, a boar and three sows, a forge with anvil, six crowbars and blacksmith, carpenter and mason tools. The properties thus given should remain indivisible and inalienable for five years; nor should any mortgage, pledge, hypothecation or other incumbrance of any kind, even for pious purposes, be valid; but the increase or fruits could be freely disposed of. The new pueblos should be subject to the general laws of the territory and such special laws as might be passed; but in other respects they were to be governed by local regulations in the same manner as the pueblos of San Jose and Los Angeles or the mining town of San Antonio in Lower California; and when organized they should be subject to the same tithes or taxes. When the asses and swine possessed in common should increase to a sufficiently large number, they were to be distributed by the ayuntamientos. Each inhabitant was to hold himself in readiness, if called upon, to defend the laws of the Mexican federation and of the territory.

A record of all the inhabitants and of their property was to be kept. The pueblos were to retain the names of the missions; or they might with the approbation of the territorial deputation adopt some other name of praiseworthy origin. The church-buildings and their furniture, together with the residence of the missionary, should remain as they were; but all the other buildings of the respective missions were to be devoted to the uses of the ayuntamientos, prisons, barracks, schools, hospitals and other public purposes. After the first distribution of property, all that remained over of the mission effects, money, tools, mills, vineyards, gardens and so on, was to be placed under the care and responsibility of administrators, who were to be subject to the orders and supervision of the respective ayuntamientos and the territorial deputation; and out of the net proceeds and profits of these effects were to be paid the salaries of teachers and the expenses of hospitals, almshouses and other municipal establishments. For the good order, police and general improvement of the pueblos, the government would provide from time to time, as might become necessary.

In Lower California, where the same system was to be pursued, the mission of San Jose del Cabo was to be first secularized; then Todos Santos, San Ignacio and San Vicente, and the others to follow. San Vicente was to be the capital of the most northern district; San Ignacio of the next south; Loreto of the next south of that, and the mining town of San Antonio or San Jose del Cabo of the most southern. In both territories the missionaries were either to remain as parish priests or, if they chose, they might form new missions in the Tulare country or in any lands of the territory outside of the jurisdiction of the pueblos.<sup>1</sup>

Such was the plan proposed by Echeandia. Of itself it was a mere proposition. But in July, 1830, when the next territorial deputation met at Monterey, it was produced before that body; and all of it that related to Alta California, after being amended, was adopted as a law. The chief amendments were: first, to include San Rafael and San Francisco Solano in the same general plan; secondly, to limit the number of private cattle and horses that could be pastured upon the commons to fifty of the former and twenty-five of the latter for each family;

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<sup>1</sup> Cal. Archives, D. R. VI, 243-251.



thirdly, to limit the amount of land to be used for the maintenance of the public herds and flocks to four square leagues for each thousand head of large cattle and three square leagues for each thousand head of small cattle, and, fourthly, to provide for the payment of the salaries of the priests.<sup>1</sup> And having thus been passed into a law, it is likely that the plan, as adopted, would have been carried into execution; and a determined effort in that direction was in fact made. But before anything of importance could be done under it, Echeandia was superseded by a new governor, who brought with him a new policy; and the secularization of the missions was postponed for several years longer.

A portion of the territorial deputation of 1830, which adopted the foregoing plan of secularization, had been chosen in accordance with a new system of appointment. This was contained in a lengthy "bando" or proclamation issued by Echeandia on July 30, 1828. It in effect divided the territory into six districts, each of which was to choose a certain number of electors, who were to form the electoral college for the election of a deputy to congress and of four new members to the deputation. The district of San Francisco was to have eight electors; San Jose five, Monterey nine; Santa Barbara seven; Los Angeles seven, and San Diego three. Each elector was to be twenty-five years of age, or if married twenty-one, a resident, able to read and write, and not to occupy any office—civil, military or ecclesiastical.<sup>2</sup> Under this bando, an election was held; an electoral college chosen,<sup>3</sup> and in October of the same year Jose Joaquin Maitorena elected delegate to the Mexican congress with Santiago Arguello as substitute, and Carlos Antonio Carrillo, Pio Pico, Vicente Sanchez and Jose Tiburcio Castro members of the territorial deputation, with Manuel Dominguez, Salvio Pacheco and Carlos Castro as substitutes.<sup>4</sup> Though there were thus four members of the deputation elected in 1828, that body did not meet until July 10, 1830, when the new members took their seats by the side of Juan Bandini, Anastasio Carrillo and Antonio Buelna, who held over from the old deputation.<sup>5</sup>

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<sup>1</sup> Cal. Archives, L. R. I, 297-313.

<sup>2</sup> Cal. Archives, D. S. P. S. Jose, IV, 243-251.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose, IV, 269; D. R. VI, 482.

<sup>4</sup> Cal. Archives, D. R. VI, 482, 483.

<sup>5</sup> Cal. Archives, L. R. I, 291; S. P. XIX, 800.

As soon as Echeandia's plan of converting the missions into pueblos was passed, two other important measures connected with or growing out of it were discussed and adopted by the deputation. By the first of these it was ordered that primary schools should be at once established in all the missions and teachers employed at a salary of thirty dollars per month, with an exception however in favor of such missions as could not pay so much, and they were to make the best provision they could.<sup>1</sup> By the other it was ordered that two Franciscan convents should be established, one at Santa Clara and the other at San Gabriel. For these the government undertook to provide twenty or more Franciscan superiors and see to the payment, out of the pious fund, of all the necessary expenses of the establishments. They were to be under the control of ecclesiastics who were favorable to the federal government; and such of the missionaries, as could be counted in this category, were to be eligible to positions in them. The object was to provide, in the country itself, for the clergy that would be required; and it was directed by the same law that, as soon as the missions named could be converted into pueblos, their church-buildings and gardens should be at once devoted to the purposes of the convents so to be founded.<sup>2</sup>

In the meanwhile the Mexican republic continued to legislate against foreigners. On June 5, 1826, a new and stringent law was passed by congress with the object of preventing any foreigner from landing without a proper passport or letter of recommendation.<sup>3</sup> Foreigners, however, still continued to come to California without much regard to the law, some with passports and some without. A few were arrested;<sup>4</sup> but little or nothing could be done to prevent immigration. One man, named Ewing Young, who came in 1829, presented a letter of recommendation from Henry Clay, then secretary of state at Washington;<sup>5</sup> and, on a count taken that year, it appeared that there were forty-four foreigners at Monterey.<sup>6</sup> There still continued

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<sup>1</sup> Cal. Archives, L. R. I, 281.

<sup>2</sup> Cal. Archives, L. R. I, 321, 322.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose, III, 67-69.

<sup>4</sup> Cal. Archives, D. S. P. S. Jose, IV, 201, 202.

<sup>5</sup> Cal. Archives, D. S. P. II, 391.

<sup>6</sup> Cal. Archives, D. S. P. II, 396.

to be much distrust of the Russians. This had been aggravated in 1826 by complaints of Father Juan Amoros of San Rafael to the effect that the Indians were too fond of the settlers at Bodega;<sup>1</sup> and this distrust extended also to the Americans, who exhibited a spirit of enterprise which, it was thought, might some day become dangerous.<sup>2</sup> At the same time foreign commerce, though looked upon with great jealousy, received some encouragement. Monterey, according to the strict letter of the law, was the only port of entry for foreign vessels; but, on account of the necessities of the country, they were allowed to enter either there or at San Diego and also to visit San Francisco, Santa Barbara and San Pedro for the purpose of collecting cargoes.<sup>3</sup> In 1829 the American ship *Brooklyne*, in charge of William A. Gale, was allowed to trade at either of the ports named; and the same privilege was granted to English ships in charge of William E. P. Hartnell.<sup>4</sup>

In 1825 Captain Benjamin Morrell, of the American schooner *Tartar* visited San Francisco and spoke in the most enthusiastic terms of its surroundings and its capabilities if opened to commerce and an enterprising immigration. As it was, it was neglected. But he said that, if it were the property of the United States, it would soon be peopled; that magnificent cities would rise upon its coast, and that the interior, then a wilderness, would bloom and blossom like the rose.<sup>5</sup>

In November, 1826, the British ship *Blossom*, Captain F. W. Beechey, after beating about in the North Pacific and Arctic Oceans for a year, ran down the northwest coast and dropped anchor in San Francisco bay in the spot where Vancouver had moored his ship thirty-three years before. By consulting the old record he found that there had been very little change in the appearance of things since Vancouver's time. If there was any difference, it was rather a look of decay than of growth or improvement. The fort on the bluff near the presidio, which might have been expected to have received attention, if any-

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<sup>1</sup> Cal. Archives, S. P. XIX, 479-484; D. S. P. II, 14; D. R. V, 382, 383.

<sup>2</sup> Cal. Archives, S. P. XIX, 529, 530.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose, IV, 237, 267, 268; D. R. VI, 265-268.

<sup>4</sup> Cal. Archives, D. S. P. II, 345-352.

<sup>5</sup> *A History of the City of San Francisco, &c.*, by John S. Hittell, San Francisco, 1878, 93.

thing had, was dilapidated. It had nine guns, which could have been of little or no use; and the structure itself seemed merely to hang upon the edge of the precipice, ready at almost any moment to topple over and plunge into irretrievable ruin. Beechey too, as others before him had been, was struck with the magnificence of the bay, its advantageous position in a commercial point of view and its future great importance. But as it was, it was in the hands of a people who made no use of it and who were not only ignorant but seemingly unwilling to learn. In speaking with them of the interior of the country, he found they knew nothing more about it than was learned by Father Crespi and others in the last century; nor indeed so much. They spoke, though not very clearly, about the Sacramento and San Joaquin rivers; but they also mentioned a third great stream, called the Jesus Maria, which they represented as running in a northerly direction, passing at the back of Bodega and extending beyond Cape Mendocino. In conversing with the missionaries, who were by far the most intelligent men in the country, he found that their knowledge, as well as their politics, like the old maps pinned upon their walls, was of the date of 1772. They believed implicitly in Maldonado's lying account of having sailed from ocean to ocean through the middle of the continent, because a titled author called Duke of Almodobar had republished the story with his sanction; but they never heard of Cook and his successors or their discoveries; and, when Beechey told them of Otaheite, they would scarcely, if at all, credit its existence because it was not laid down upon their old, fly-specked charts.

It will be recollected that Captain Black of the British ship *Raccoon* in 1814 found the Californians bitterly prejudiced against foreigners, and particularly against the English, on account of difference in religion. These prejudices had by no means decreased in the meanwhile. On the contrary the visitors, notwithstanding being otherwise well enough treated, had occasionally considerable difficulty in maintaining their good temper in the constant hearing of unpleasant and sometimes offensive remarks about their religious opinions. It seemed as if it were utterly incomprehensible to the missionaries, that there could be anything good outside of their own church; anything better than their own practices, or anything worth knowing

beyond their own knowledge. They were bitter against heresy or people whom they supposed to be in the least respect tinctured with it; against the revolution, and against the Mexican government, which had failed to pay their salaries and obliged them to contribute for the preservation of public order in the troubled times that had just passed.<sup>1</sup>

On April 14, 1828, the Mexican congress passed a naturalization law. It was one of the fruits of the revolution and indicated a somewhat more liberal policy, though still hampered with the old religious prejudices, which were too deeply ingrained to be easily shaken off. Its chief requisite was that the applicant should be or should become a Roman Catholic. In other respects, however, no one who had any desire to become a citizen could have anything to find fault with. He was only required, in addition to the indispensable condition about his religion, to have resided in the country for two years continuously; to have a useful trade or occupation and good character; to renounce submission and obedience to all other nations, give up any title he might have, and swear to support the constitution, "*acta constitutiva*" and laws of the republic.<sup>2</sup> In June, 1829, Echeandia issued a circular in reference to the subject;<sup>3</sup> and almost immediately afterwards a number of applications for naturalization were presented. William G. Dana, an American, had already in July, 1828, upon making the necessary declaration, been allowed to marry an "*hija del pais*" or daughter of the country and become naturalized;<sup>4</sup> and now Julian Wilson<sup>5</sup> and John Temple and several others applied and were admitted to citizenship; also the Englishmen John Gilroy<sup>6</sup> and William A. Richardson<sup>7</sup> and the Russian, Jose Bolcoff,<sup>8</sup> and the next year the Englishman William E. P. Hartnell.<sup>9</sup>

Towards the end of 1826 the Californians were astonished by

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<sup>1</sup> *Narrative of a Voyage to the Pacific and Behring's Strait, &c., by Captain F. W. Beechey*, London, 1831, 345-387.

<sup>2</sup> *Cal. Archives*, S. G. S. P. IV, 204-206.

<sup>3</sup> *Cal. Archives*, D. S. P. S. Jose, IV, 315-317.

<sup>4</sup> *Cal. Archives*, D. R. VI, 333, 334.

<sup>5</sup> *Cal. Archives*, S. P. XIX, 92.

<sup>6</sup> *Cal. Archives*, S. P. XIX, 101.

<sup>7</sup> *Cal. Archives*, D. R. VII, 608, 609.

<sup>8</sup> *Cal. Archives*, S. P. XIX, 141.

<sup>9</sup> *Cal. Archives*, D. R. VIII, 266, 267.

the appearance in their country of the first party of Americans that came overland. This was a small company of hunters and trappers under the command of Captain Jedediah S. Smith of the firm of Smith, Jackson and Soublette. They had been authorized by the United States Executive to hunt and trade in the territories west of the Rocky mountains and had established their head-quarters on the eastern side of Salt Lake. In August they had left Salt Lake on a hunting and trapping excursion and, traveling southwestward, had at length found themselves in a desert country near the Colorado river and in great want of subsistence for themselves and horses. Being five hundred miles from Salt Lake and less than three hundred from the mission of San Gabriel in California, they determined to proceed to the latter place and finally arrived there, very much exhausted. Immediately upon their arrival, Smith addressed a letter to Governor Echeandia, then at San Diego, describing their situation and necessities. Echeandia answered by ordering Smith to appear at that place and give an account of himself and of his reasons for coming to the country. Smith did so; but his story seems to have been doubted. He then appealed to a number of ships' captains who were at that port; and they joined in a written declaration to the effect that they believed his account and that his only object in visiting the country was such as he had stated. This paper, dated December 20, 1826, was signed by William G. Dana captain, and Thomas M. Robbins pilot, of the schooner *Waverly*; William H. Cunningham captain, and Thomas Shaw supercargo, of the ship *Courier*; William Henderson captain of the brig *Olive Branch*, and James Scott.<sup>1</sup> It seems to have convinced Echeandia, who thereupon gave the party permission to purchase supplies; but at the same time he ordered them to return by the same route they had come, and as soon as possible.

In January, 1827, after procuring necessities, the party started off in a northerly direction from San Gabriel and appear to have crossed over into the San Joaquin valley with the intention of avoiding as much as possible the Colorado desert. When some three hundred miles north of San Gabriel, they attempted to cross the Sierra but were prevented by the snows and lost a

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<sup>1</sup> Cal. Archives, D. S. P. II, 34, 35.

great many of their horses in the attempt. Being again in straits, they thought of making their way to the Columbia and turned off towards San Francisco for further supplies. In May they camped in the neighborhood of the mission of San Jose. At that place, learning from the Indians that he and his party were objects of great suspicion at the neighboring establishment, Smith addressed a letter in English to the missionary, Father Narciso Duran. After stating that he and his comrades were Americans on their way to the Columbia river, he gave an account of his arrival at San Gabriel, of his correspondence with the governor, of his failure to get over the mountains on account of the depth of the snow, and of his enforced stay in the country. "I am a long ways from home," he continued, "and am anxious to get there as soon as the nature of the case will admit. Our situation is quite unpleasant, being destitute of clothing and most of the necessities of life at this time, wild meat being our principal subsistence. I am, Reverend Father, your strange but real friend and Christian brother."<sup>1</sup>

Having determined to go to the Columbia, Smith thought proper after further consideration to first return to his headquarters at Salt Lake and bring on the men, horses and property remaining there. Accordingly, leaving most of his party in camp near San Jose, he made his way, though with great difficulty, to Salt Lake, which he again left in July with a party of eighteen men and two women for California. To avoid the Sierra, he took the same route he had traveled before and reached the Colorado before the end of August. There he was attacked by Indians and lost ten men, the two women and all his horses. With his remaining eight men, after managing to escape from his enemies, he started off on foot for San Bernardino and after nine days of suffering succeeded in reaching it. Leaving two of his men, who had fallen sick, at that place, he proceeded with the others to San Diego; thence in the American ship Franklin to San Francisco,<sup>2</sup> and thence to his party in camp, whom he found in great destitution. Having thus lost everything, he went to the pueblo of San Jose for the purpose of throwing himself upon the hospitality of the people; but he

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<sup>1</sup> Cal. Archives, D. S. P. II, 38.

<sup>2</sup> Cal. Archives, D. S. P. II, 93.

had scarcely arrived when he was seized and thrown into prison. He immediately wrote to Echeandia, then at Monterey, who ordered him a second time into his presence. Upon his being removed to Monterey, Echeandia demanded his reasons for coming a second time to California. He gave them; but the governor, now believing him to be a captain of troops with hostile designs, treated him as culpable and ordered him back to prison. Smith resorted to the same expedient he had before made use of at San Diego. He applied to the captains of the various American vessels then at Monterey and also to Captain Cooper; and, upon their representations, he was again set at liberty and permission given him to leave the country but without his hunters.<sup>1</sup> Proceeding to San Francisco, he appears to have managed to get away the next year with the intention of returning to the Rocky mountains; but, being deprived of his companions, he was no match for the prowling bands of savages east of the Sierra and is said to have been murdered by them.

Notwithstanding Smith's protests and the representations of all the American ships' captains on the coast and a written statement also of J. Gilbrath, one of the men who had been left at San Bernardino and for several months held under arrest there,<sup>2</sup> Echeandia seems to have still regarded the unfortunate trapper as a very dangerous character and his entry into California as a hostile act, for which the United States ought to be held responsible. He so represented the circumstances to his government at Mexico; and complaint was made by the president of the republic in 1828 to Joel R. Poinsett, the American minister plenipotentiary then at the Mexican capital.<sup>3</sup> Poinsett, who in the meanwhile had received a written statement from Smith, detailing the indignities and outrages to which he and his men had been subjected, replied by transmitting it to the Mexican government and remarking that he thought it a very satisfactory explanation of Smith's reasons for entering Mexican territory and a very straightforward declaration of the bad treatment he had received from the Californian authorities.<sup>4</sup>

Nothing more, probably, would have been said by Echeandia

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<sup>1</sup> Cal. Archives, S. G. S. P. IV, 278-295.

<sup>2</sup> Cal. Archives, D. S. P. II, 78, 79; S. G. S. P. IV, 295.

<sup>3</sup> Cal. Archives, S. G. S. P. IV, 270.

<sup>4</sup> Cal. Archives, S. G. S. P. IV, 276, 277.



about Smith, had it not been that towards the end of the same year a British whaler spread a report at San Blas that the Americans had taken possession of the port of San Francisco and claimed that it was within the territory of the United States. This report naturally created an excitement among Mexican officials; and a dispatch was immediately sent off to Echeandia for a statement of the exact facts. He replied that he was entirely unaware of any such action or claim on the part of the Americans and that, if there had been anything of the kind, he would not only have given information to the government, but would himself have compelled them to relinquish it. He would take occasion, however, to state that the Americans had established a post at Salt Lake under the charge of the Captain Smith who had recently been in California, and that the location of that post was, or might be, within the boundary dividing the territory of the Mexican republic from that of the United States. He would say further, he continued, that two years previously there had been a vulgar rumor spread abroad that Mexico had ceded the port of San Francisco to the Americans and that they had named a governor to take possession. But that rumor had probably originated only in the well-known facts that the Americans would like to seize the port of San Francisco, which was the very best in the Mexican republic, and that, as they had not hesitated to take Florida from Spain, so they would not hesitate to take California from Mexico, if they could. It was therefore well enough to make timely provision against their insatiable greed.<sup>1</sup>

The general feeling of distrust against Americans was further exhibited in 1827 in reference to a house or hut which had been erected in 1826 by Captain Cunningham of the American ship *Courier* on Santa Catalina Island. It is not unlikely that the maintenance of this establishment, though claimed to be for hunting purposes, may have had something to do with illicit trade. Whatever may have been the case, the government, as soon as it heard of it, issued a peremptory order to Cunningham for its immediate destruction; and the tone of the mandate showed that there was a much more violent and bitter feeling in regard to the subject than would have been evoked by a mere

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<sup>1</sup> Cal. Archives, D. R. VII, 126-130.

smuggling rendezvous. Cunningham recognized this feeling and promptly replied that he would hasten to obey the order he had received.<sup>1</sup>

Most of the foreigners, however, who came to the country, came for the purposes of permanent settlement and were doubtless attracted by what were known as the colonization laws. One of these had been passed by congress on August 18, 1824; the other on November 18, 1828. The former was intended to provide for the disposition of the vacant public lands; and, though in their distribution preference was to be given to Mexican citizens, provision was also made that foreigners, who should establish themselves in the country and subject themselves to the laws, were to be secure in their persons and property, enjoy certain immunities from taxation and have the privilege of obtaining grants. These grants were not to exceed one square league of irrigable land, four square leagues of cultivable land which depended for a crop upon the seasons, and six square leagues of grazing land. Foreigners could not, without express permission of the executive authority, obtain grants within twenty leagues of the boundary of any foreign nation nor within ten leagues of the sea coast. No new colonist could transfer his possessions in mortmain; nor should any one retain lands if he resided out of the territory of the republic.<sup>2</sup>

The second law consisted of a system or series of rules and regulations for the purpose of carrying the previous one into effect. It provided the method in which grants should be made; how they were to be petitioned for; what the petition should contain; the proceedings to be taken in reference to them, and how the assent of the governor should be expressed. No grant to a family or private person was to be valid without the approval of the territorial deputation; nor was any grant to an "empresario" or leader of a colony of many families to be valid without the approval of the supreme government. Grants duly made were to be evidenced by a document signed by the governor and delivered to the party interested; and a record of all petitions and grants, with maps of lands granted, was to be kept; and a circumstantial report forwarded to Mexico. Certain restrictions were added, such as requiring colonists to settle and cultivate

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<sup>1</sup> Cal. Archives, D. S. P. II, 46, 47.

<sup>2</sup> Cal. Archives, M. & C. II, 70.

within a specified time or forfeit their grants. A minimum for the size of grants was prescribed at two hundred varas square for irrigable land, eight hundred varas square for cultivable land and twelve hundred varas square for grazing land, and house-lots were fixed at one hundred varas square.<sup>1</sup>

It was also provided by the law of 1828 that lands occupied by the missions should not be subject to colonization until it should be determined whether they were to be considered as the property of the neophytes or otherwise. This question was afterwards settled by the secularization of the missions, when all the lands were thrown open to colonization. But in the meanwhile foreigners, as well as Mexican-born citizens, were acquiring large proprietary interests in the soil and thus becoming to all intents and purposes Californians.

It was in Echeandia's time that the practice of closing official documents with the words, "Dios y Libertad—God and Liberty" was established. A law to that effect having been passed by the Mexican congress, the secretary of state on July 10, 1827, issued a circular requiring compliance. This reached California about the beginning of 1828, whereupon Echeandia issued general orders having the same object in view. Though the law applied only to official documents, the formula became so popular or was so frequently used that scarcely any paper or even a private letter was written after that date without closing with those words. In times of great excitement against the centralists, the phrase was occasionally varied into "Dios y Federacion" or "Dios y Independencia." But in general every paper after 1828 as regularly closed with "Dios y Libertad" as old Cato's speeches in the Roman senate ended with "Delenda est Carthago."<sup>2</sup>

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<sup>1</sup> Cal. Archives, M. & C. II, 1.

<sup>2</sup> Cal. Archives, D. S. P. Mon. V, 357, 358.

## CHAPTER IV.

### ECHEANDIA (CONTINUED).

WHEN the Mexican war-brig Morelos arrived with reinforcements and supplies, in July, 1825, at Monterey, there came, among the individuals on board, two destined to speedy notoriety. One was Jose Maria Herrera, who had been sent as a commissioner of the commissary department; the other Joaquin Solis, a restless and unruly character, who had been sentenced for his offenses in Mexico to banishment for ten years.<sup>1</sup>

Herrera had not been long in office before it was ascertained that various frauds were being perpetrated in his department; and in April, 1827, a secret investigation of his conduct from the time he arrived in the territory was ordered. Jose Antonio de la Guerra y Noriega, Joaquin Maitorena and Juan Bandini were appointed a committee to make the investigation;<sup>2</sup> and after examination they reported Herrera guilty and recommended his removal from office.<sup>3</sup> When the territorial deputation met in July the matter was brought before it by Bandini; and, upon a vote being taken, Herrera was suspended.<sup>4</sup> He on his part denied the charges made against him; exhibited great indignation at what had been done, and demanded his passport, which however was refused; and a full account of all the proceedings was transmitted to the supreme government at Mexico.<sup>5</sup>

It would doubtless have been better for the peace of the country to have granted Herrera his passport, when he asked for it, and allowed him to leave. He was not without talent, activity

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<sup>1</sup> Cal. Archives, D. R. VII, 879; S. P. X, 338.

<sup>2</sup> Cal. Archives, S. P. XIX, 440, 441.

<sup>3</sup> Cal. Archives, S. P. XIX, 452, 453.

<sup>4</sup> Cal. Archives, L. R. I, 213, 214; D. S. P. Ben. LXXIII, 700-760; D. S. P. V, 81.

<sup>5</sup> Cal. Archives, D. S. P. S. Jose, IV, 205, 206.

and a disposition to be troublesome. Though unwilling to assume the personal responsibility of open rebellion, he nevertheless set about in secret to foment a conspiracy against the government; and in Joaquin Solis, a convict who had been his fellow passenger on the Morelos, he found a fit instrument for his schemes. There were various other persons, especially among those who like Solis had been banished to California for offenses committed in Mexico, that were bitterly opposed to the administration, and also various persons still remaining in California who always had been and continued to be bitterly opposed to the republic; and nearly all of them were ready to engage in any undertaking, however desperate, which was calculated to bring about any change. Upon these dissatisfied persons Herrera exerted his evil influence; and at length a combination was formed to overthrow the established order and set up a revolutionary government—with Solis as its nominal head, but Herrera himself as the moving spirit.

The first overt act of the rebellion took place at Monterey on the night of November 12, 1829, while Echeandia was absent in the southern part of the territory. Solis and a party of soldiers confederated with him rose and, seizing the principal officials in charge of the presidio including Juan Jose Rocha, Manuel Jimeno Casarin, Mariano Guadalupe Vallejo and Andres Cervantes, threw them into prison. Having thus disposed of the officials, they took possession of the place and held it. There can be no doubt that Herrera was cognizant of the project from its inception, though he afterwards pretended that he knew nothing of it until the night of the rising, when he was at the house of Casarin and present at the time that officer was seized. The next morning, Solis went to Herrera and asked him to draw up a manifesto or pronunciamiento; and in the course of a day or two Herrera produced one, which was read first to Solis and afterwards to his confederates. Such was Solis' account. Herrera, on the other hand, afterwards claimed that he informed Solis, upon his request for a manifesto, that the officials who had been imprisoned should be released, and that he only consented to draw the document upon the supposition that their release depended upon his doing so. However this may have been, it is certain that he drew or dictated the paper, and that it was calculated to further the designs of the conspirators.

The manifesto was dated at Monterey November 15, 1829, and was signed by Joaquin Solis, Mariano Pequeno, Andres de Leon, Jose de la Torre and Petronilo Rios. It commenced by declaring that the supreme government was animated with the most lively and sincere desire for the felicity and well-being of the entire Mexican nation and of every part of it. But in California this desire had been scandalously thwarted by the governor and those who acted with him. Education, which was the foundation of public morals, had been neglected; the public finances, principally on account of the suspension of the commissioner and the assumption of their management by the governor, had been allowed to fall into disorder; the administration of justice both civil and criminal had become vicious and detestable; the discipline of the troops relaxed; and public affairs in general reduced to such a degree of evil that patience had ceased to be a virtue. Under these circumstances the troops of Monterey had resolved upon various and necessary reforms and had freely and spontaneously chosen Solis for their leader in the accomplishment of their objects, which were that a new territorial deputation such as was intended by the laws should be convoked; that Echeandia should be removed from office; that other persons than those in office should be chosen to administer the treasury, and that another comandante-general should have control of the troops. There were various declarations in relation to the distribution of the public burdens, which were well-sounding enough; and some also in favor of the rights of persons and property and particularly of those of peaceful foreigners, including Spaniards. The paper closed with a promise that those, who had taken up arms, would not lay them aside until the desired objects should be accomplished; and it called upon all inhabitants of the territory to excuse the disturbances of the first few days and to look with favor and encouragement upon the efforts of the reformers to re-establish order upon a proper basis; place the government in the hands of some one more worthy than Echeandia to administer it, and preserve the luster and honor of the Mexican name.<sup>1</sup>

As soon as the manifesto was determined upon, it became important to raise money. There was a sum of three thousand

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<sup>1</sup> Cal. Archives, D. S. P. Ben. LXXII, 518-522.

dollars due the treasury for customs; but, for the purpose of getting possession of it, the rebels found it necessary to release Casarin and the other officials. This was accordingly done on the agreement of the prisoners that they would leave Monterey; and the money, being thus unprotected, was seized and distributed among the rebel soldiers. Herrera and Solis then consulted as to further movements. The question was whether Solis should proceed first to revolutionize San Francisco or Santa Barbara. The decision being in favor of the former, he set off with twenty men for that place, and marched thither without obstruction or opposition. Though neither Ignacio Martinez, who was in command there, nor Luis Antonio Arguello, the former governor who was also there, nor Jose Sanchez, nor Francisco de Haro looked with favor upon the rebellion, the troops generally expressed their satisfaction with the manifesto and their willingness to adhere to it. Under the circumstances Martinez and his companions were unable to resist; and Solis, after accepting the surrender of the presidio and ordering the dismissal of Martinez from his office of comandante, returned to Monterey.<sup>1</sup> His next move was for Santa Barbara. It had been arranged, principally by one of the conspirators named Maximo Guerra, that a rising in favor of Solis should take place there on the night of December 2. The programme had been so far carried out that Romualdo Pacheco, the comandante, and Roderigo del Pliego had been seized and thrown into prison. But the arrangements had been so illy concerted that almost immediately afterwards, Pacheco and Pliego were released; the rising put down, and the chief conspirators flying towards Monterey.

In the meantime, while Solis was marching southward towards Santa Barbara, Echeandia, having been informed of the rebellion, was on his march northward from San Diego. On December 28, Solis, then at San Miguel, wrote that the governor had arrived at Santa Barbara with one hundred and fifty men. Solis pretended to be undismayed. He was in correspondence with most of the non-juring missionaries; and, as he had assured them that he intended to raise the Spanish flag, they encouraged him or at least looked upon his project with favor. Echeandia,

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<sup>1</sup> Cal. Archives, D. S. P. II, 421-427.

on the other hand, issued a proclamation, dated Santa Barbara January 7, 1830, addressed to the soldiers of Solis, in which he very pointedly called their attention to the sad results which must necessarily follow the further prosecution of their enterprise. He had, he said, not only been placed in his office by the supreme government and for that reason could not yield without a struggle; but it was plain from his vastly superior force that such struggle must eventuate in his favor. At the same time he felt no hostility towards them: on the contrary, if they submitted, he would exert himself to obtain their pardon; and even their leaders should be safe in life and limb.<sup>1</sup> On the next day he wrote to Solis himself a long and dispassionate letter, saying that, if he and his soldiers had any complaint to make, it was no way to do so with arms in their hands, and counseling him, in view of what would plainly be the result of a conflict, to surrender and avoid bloodshed.<sup>2</sup>

Solis paid no attention to Echeandia's counsels, but marched with his soldiers to Santa Inez. Echeandia meanwhile marched from Santa Barbara to the same place. The little armies soon fronted each other. When within cannon range, Solis opened fire, expecting to see his adversaries fly at the first shot. But they stood firm and prepared to return it. Before they could do so, however, Solis and his soldiers turned on their heels and abandoned the field, leaving everything behind them. It was a complete rout, but without loss of life. Romualdo Pacheco and a party of soldiers pursued as far as Monterey and there, or in that neighborhood, arrested Solis, Herrera and other chief conspirators, including Maximo Guerra, Raymundo de la Torre and Meliton Soto, and threw them into prison to await further disposition.<sup>3</sup>

Echeandia, after the rout, returned to Santa Barbara and, among other things, ordered the arrest of Father Luis Antonio Martinez, the missionary of San Luis Obispo, for complicity in the rebellion. Martinez, upon being seized and conducted to Santa Barbara, indited a long letter of complaint at the indignity of his arrest in his sacred habitation. He professed to scout the very idea of a charge that he had encouraged the conspiracy.

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<sup>1</sup> Cal. Archives, D. R. VIII, 6-8.

<sup>2</sup> Cal. Archives, D. R. VIII, 8-14.

<sup>3</sup> Cal. Archives, D. S. P. II, 431; Osio MS.



He said that he was some seventy years of age, had been thirty-four years in the country, and that, though a Spaniard, he had even from the commencement of the revolution against Spain said that California ought to follow the path, whatever it might be, that Mexico should pursue. All he asked now, however, notwithstanding the outrage he had suffered, was his passport and to be allowed to leave at his own free will the limits of the republic. But he was not to be let off so easily. Echeandia called a council of military officers to determine upon what action should be pursued. Martinez was taken before them and asked if he knew why he had been arrested. He replied: "On account of a calumny." Being next asked what he knew about Solis and his plan, he replied that he had heard from Solis himself of his intention to raise the Spanish flag, but that he had counseled against it. He acknowledged that he had visited Solis in his quarters at San Luis Obispo, but averred that nothing improper had taken place between them.<sup>1</sup> Other witnesses testified that he had frequently spoken in favor of the revolution and used such expressions as "Viva España! Viva Fernando VII!" The council, in view of all the evidence, pronounced him culpable and sentenced him to be sent out of the country either to the United States or Europe. An English vessel called the *Thomas Nowlan*, was then at Santa Barbara; and it was determined to put him on board. At first Martinez protested and served a notice on the captain that he would hold him responsible; but he afterwards acquiesced in the arrangement and was shipped off to Europe.<sup>2</sup>

From Santa Barbara Echeandia marched to Monterey. There a military tribunal was created, with Agustin V. Zamorano as judge and Jose Antonio Solorzano as clerk or secretary; and on April 1, 1830, Solis, Herrera and the other conspirators imprisoned at that place were put upon their trial. Many witnesses were examined, among them Solis himself, who made a confession, and Herrera; and the proceedings lasted until May 7. The result was the conviction of all and a sentence that they should be placed on board the American bark *Volunteer*, then in port, taken to San Blas and there placed at the disposition of

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<sup>1</sup> Cal. Archives, D. S. P. Ben. LXXII, 642, 643.

<sup>2</sup> Cal. Archives, D. S. P. Ben. LXXII, 619-799.

the supreme government of Mexico. They were accordingly on that day marched down to the beach and placed on board the vessel, whose captain John Coffin Jones gave a receipt for them in the form of a bill of lading; and soon afterwards they were carried off and in due time delivered at San Blas. There were fifteen of them, including Solis, Herrera, Raymundo de la Torre, Maximo Guerra, Meliton Soto, Mariano Pequeno and Andres de Leon.<sup>1</sup>

On April 7, the Mexican government wrote to Echeandia, tendering to him and his officials and the troops under their command the thanks of the nation for putting down the rebellion.<sup>2</sup> But these thanks were tame compared with some he received in California. Among others Father Felix Caballero, one of the Dominican priests of the mission of San Miguel to the south of San Diego, wrote immediately after the rout of Solis that the people there were hurrahing, ringing bells and firing guns in honor of the victory. There was, he said, a unanimous cry of "Viva la patria! viva la paz! viva nuestro legítimo gefe!" The soldiers, the inhabitants, every one—he continued—had thanked, was thanking and would continue to thank God, the All Powerful, for his great mercies. On the next Sunday, he added, they were going to celebrate a grand thanksgiving mass, and to sing hymns and hallelujahs for his triumph. Like Moses, he had crossed the Red Sea and delivered them all from the captivity of disorder and the tyranny of faction; while Solis, like Pharaoh, was overwhelmed and submerged in the deep confusion of his crimes. "We have made, we make and we will make," he said in closing, "continuous prayers to the God of Hosts for peace, for the tranquillity of the territory and for the universal recognition among all the people of their legitimate governor."<sup>3</sup>

The thanks of Father Caballero and his people meant something; but those of the Mexican government, little or nothing. When Solis and his confederates were delivered over, it paid no attention to the charges made against them or the offenses they had committed. The rebellion in California was regarded as a

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<sup>1</sup> Cal. Archives, D. S. P. Ben. LXXII, 511-799; D. R. VIII, 356, 357.

<sup>2</sup> Cal. Archives, S. G. S. P. VI, 174, 175.

<sup>3</sup> Cal. Archives, D. S. P. Ben. Misc. II, 2, 3.

small affair as compared with the political disturbances that were then agitating Mexico. In a short time after their arrival, Solis and his fellow conspirators were set at liberty; and Herrera, the deepest dyed of them all, was rewarded by an appointment in the treasury department;<sup>1</sup> and a year or two afterwards he was sent back again to California to refill his old office.

The disturbances caused by the convict, Solis, directed public attention to the other convicts in the territory and to the injustice of the government at Mexico in attempting to make a penal colony of California. The outraged feelings of the better part of the community were heightened, during the time Solis was spreading terror throughout the country, by the news of fresh cargoes of this undesirable population on the way and the arrival of some of them. In December, 1829, the brig *Maria Esther* was dispatched from Acapulco with seventy-seven,<sup>2</sup> who arrived at Monterey in the latter end of February, 1830; and they brought information of several other vessels which were following with perhaps twice as many more.<sup>3</sup> This aroused the people and a public meeting was called. It met at Monterey on May 1, 1830, and appointed a committee of ten of the best men in the territory to take such measures as might be necessary to stay the evil. The committee, having chosen Jose Mariano Estrada president and Juan B. Alvarado secretary, adopted a series of resolutions, setting forth, in very decided though respectful terms, the wrong and injustice of the supreme government in sending so many convicts to the territory; calling upon the governor to oblige the captains of the vessels bringing them to carry them back to the ports from which they came; counseling the banishment of Solis and his co-conspirators, and recommending a general investigation as to persons dangerous to the peace of the country. These resolutions were sent to the other presidios and to the pueblos and a sub-committee appointed to present them to the governor. Echeandia, upon their being handed to him, replied that he had already forwarded a protest to the supreme government on the subject of sending convicts and that, so far as those who had come up on the *Maria Esther* were concerned, the greater part and most criminal of them would

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<sup>1</sup> Osio MS.

<sup>2</sup> Cal. Archives, D. S. P. II, 393.

<sup>3</sup> Cal. Archives, D. S. P. II, 437-439.

be placed on an island and only twenty or thirty petty offenders distributed between Monterey and Santa Barbara. He further said that an arrangement had been made for the transportation of Solis and his confederates to San Blas, and that, as for other dangerous individuals, care should be taken to discover and punish them.<sup>1</sup> Afterwards, in August, the territorial deputation took up the same general subject and sent a very determined protest to the supreme government against being overwhelmed with the off-scourings of other parts of the republic.<sup>2</sup> And from that time, although almost every new governor would bring up from Mexico a large number of disreputable characters under the name of soldiers, the practice of sending convicts as such, and by the ship load, ceased.

While California thus suffered from the curse of being treated as a sort of colony for convicts, it was comparatively free from the curse of African slavery. This was not because the people were opposed to slavery; but because there was no use for African slaves. There being no market for them, very few were brought to the country. On July 13, 1824, the Mexican congress abolished the slave-trade.<sup>3</sup> In April, 1828, when the subject of the speedy abolition of slavery itself throughout the republic began to be agitated, an inquiry was instituted as to how many slaves there were; and, among others, the governor of the Californias was asked as to the number within his jurisdiction.<sup>4</sup> Echeandia replied in October that he knew of no slave having ever been in California until 1825, when the wife of Antonio Jose de Cot, a Spaniard, brought a slave-girl named Juana, fourteen years of age, from Lima to San Francisco; but he added that the lady intended leaving the territory with her slave and would do so on the first opportunity.<sup>5</sup>

On September 15, 1829, Vicente Guerrero, who had succeeded Guadalupe Victoria in the presidency of the Mexican republic, issued a decree abolishing slavery and declaring free every person in the country who had theretofore been considered a slave. He chose the eve of the day fixed by law for the cel-

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<sup>1</sup> Cal. Archives, D. S. P. S. Jose, V, 177-180.

<sup>2</sup> Cal. Archives, L. R. I, 315, 316.

<sup>3</sup> Cal. Archives, S. G. S. P. III, 117.

<sup>4</sup> Cal. Archives, S. G. S. P. IV, 201.

<sup>5</sup> Cal. Archives, D. R. VI, 191, 192; D. S. P. Ben. P. & J. I, 121-123.

celebration of Mexican independence as a fitting occasion for this act, which he rightly termed "de justicia y de beneficencia nacional." The decree reached California in January, 1830, and was duly circulated and proclaimed at the different presidios and pueblos.<sup>1</sup>

It was, probably, the agitation of the slavery question, more than anything else, that induced Echeandia on October 23, 1829, to issue an order of almost equal beneficence and under the circumstances of much more practical importance to California than the abolition of slavery. It had been the custom, under various pretexts but especially in military expeditions against the unchristianized or gentile Indians, to seize their children and hold them, nominally as pupils of Christian manners but really as domestic servants and slaves; and there were large numbers of them scattered about from place to place. Echeandia ordered them all to be released and restored to their parents or, if these could not be found, to be delivered to the nearest mission.<sup>2</sup>

Since the castigation given to the Indian rebels of Purísima and Santa Inez by Jose Mariano Estrada in 1824, there had been no Indian outbreak of any importance in California. But in the spring of 1829 a number of neophytes connected with the missions of San Jose and Santa Clara were induced by one of their native alcaldes, called Estanislao, to fly and fortify themselves in connection with various gentiles near the San Joaquin river. Father Duran of San Jose immediately sent to San Francisco for troops to destroy the fortification and recover the fugitives; and an expedition of fifteen men, under command of Sergeant Antonio Soto, was dispatched to perform the duty. Upon coming up to the place where the Indians had retired, Soto found it to be a dense and extensive thicket, chiefly of willows and brambles, very difficult to penetrate. While the soldiers were endeavoring to make their way through it, the rebels attacked them and wounded several so seriously, and among them Soto himself, that they were compelled to withdraw. They retreated to San Jose, where Soto soon afterwards died from the effects of his wounds. The Indians, on the other hand, were extravagantly elated with this, their first triumph

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<sup>1</sup> Cal. Archives, S. G. S. P. I, 149; V, 250; D. S. P. S. Jose, II, 325.

<sup>2</sup> Cal. Archives, M. & C. II, 6-9.

over the Spanish troops, and celebrated their victory with feasting and dancing. Neighboring rancherias, admiring their valor and seduced by their example, made common cause with them; and the uprising soon threatened to become wide-spread and dangerous.

Vigorous measures became necessary. The comandante of San Francisco ordered a second expedition consisting of forty men under the command of Jose Sanchez. They marched to the thicket where the Indians were encamped. At first they tried to set it on fire, but failed. They then penetrated far enough to find that the Indians had constructed several lines of strong wooden palisades. The first of these they destroyed; but Sanchez deemed it imprudent, with the men he had with him, to attempt to storm the inner works and therefore returned to San Jose without risking an assault. His report showed that to insure success a more formidable expedition was necessary. The comandante of San Francisco therefore communicated with the comandante of Monterey; and an expedition of a hundred men was organized and dispatched from the latter place under the command of Ensign Mariano Guadalupe Vallejo. This little army consisted of cavalry, infantry and artillery and took with it a field-piece for battering the palisades. It marched to San Jose, where it took up the San Francisco forces and some San Jose volunteers, besides a number of Indian auxiliaries—ancient enemies of the rancheria of Estanislao. The combined forces then proceeded to the rebel encampment; and a desperate fight took place, the Indians resisting with all their force the advance of the soldiers. But they were able to do little against the musketry, and their fortifications fell before the discharges of the cannon. They were finally driven from their intrenchments; many of them killed, and a number made prisoners. Several of the attacking party had also been killed. After the fight was over, a most shocking and horrible butchery of prisoners took place. The Indian auxiliaries were allowed to form a circle; place a prisoner in their midst, and exercise their skill in archery upon him. One of them sent an arrow through his skull and brain with such force that only a few inches of the feathered end stuck out of his forehead. Other prisoners were hung upon trees with ropes made out of vines. Even several of the old

women were deliberately shot down in cold blood. As for Estanislao he managed to escape the slaughter and delivered himself up to Father Duran, who received him back, concealed him for a short time and afterwards procured his pardon from Echeandia.

Vallejo, having finished his campaign, marched back to San Jose and thence to Monterey. He had been guilty of allowing the greatest barbarity ever perpetrated in the territory. Father Duran attempted to have him prosecuted; and one of his soldiers named Joaquin Alvarado was tried, convicted and sentenced to five years' penal servitude on the southern frontier for shooting down a defenseless old woman; but nothing was ever done towards trying Vallejo himself. Father Duran, as a Spaniard and opposed to the republic, had far less influence than Vallejo who was on the popular side and in the line of promotion; and by degrees the bloody story was supplanted in the public mind by matters which were supposed to be of more immediate importance.<sup>1</sup>

It had been a part of the system of government adopted by the territorial deputation in 1824 that the missions should bear a portion of the public burdens and contribute to the support of the civil and military administration. In the beginning of 1826 a rate was fixed;<sup>2</sup> and for a few years the contributions were paid. But they were inadequate to supply the demand; and in 1828 they became irregular and in some cases were altogether refused. The consequence was that the military, and especially that of San Francisco, fell into a beggarly condition.<sup>3</sup> At the end of 1827 the comandante of San Francisco wrote to Echeandia that the presidio was in a state of absolute ruin and that there was no use making any further efforts to induce the missionaries to contribute to its repair. It was a waste of pen and ink as well as of time and argument, to write any more petitions to them for aid, for the answers were invariably refusals and

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<sup>1</sup> A very full account of Vallejo's expedition is given in the Osio manuscript. Another account, substantially agreeing with Osio, is found in the sworn testimony produced before Ignacio Martinez on the trial of Joaquin Alvarado at San Francisco in October, 1829. See Cal. Archives, D. S. P. Ben. LXX, 518-541. Vallejo himself made a report of his expedition, dated San Jose, June 4, 1829.—See Cal. Archives, M. & C. II, 24-36.

<sup>2</sup> Cal. Archives, D. R. IV, 176, 177.

<sup>3</sup> Cal. Archives, D. R. VI, 484, 485.

sometimes uncivil ones.<sup>1</sup> In 1828 there was even talk of abandoning San Francisco entirely; and in June of that year Echeandia felt obliged to write an urgent appeal to Father Luis Gil de Taboada, then of Santa Cruz, to advance money and supplies to prevent such a melancholy necessity.<sup>2</sup>

At this time, however, when it seemed almost impossible for the military establishment to be kept up, the Mexican congress issued a decree that there should be formed in the territories of Alta and Baja California six companies of permanent cavalry; that in Alta California there should be a "comandante-general y inspector" with an annual salary of four thousand dollars and an "ayudante-inspector" with a salary of three thousand dollars; and that in Baja California there should be a "comandante-principal y ayudante-inspector," with a salary of twenty-five hundred dollars, subordinate to the comandante-general of Sonora. The decree went on to provide for a company of four officers and seventy-six men for each of the four presidios of Alta California at an annual cost altogether of about ninety-one thousand dollars, and for a company of four officers and fifty-nine men at Loreto and on the frontier of Baja California at an annual cost altogether of about thirty-seven thousand dollars. The "plana mayor" or commander-in-chief and staff, including the comandante of Lower California, was to cost annually about thirteen thousand dollars; so that the entire military establishment of the Californias, according to the new plan, was to consist of thirty-one officers and four hundred and twenty-two soldiers and to cost altogether annually one hundred and forty thousand nine hundred and forty dollars.<sup>3</sup> The official lists of 1829 showed that the military force in the Californias at the beginning of that year amounted to about four hundred and seventy persons all told, including comandante-general or governor, engineers, artillerymen, San Blas infantry, permanent cavalry and Mazatlan militia.<sup>4</sup>

A distribution of muskets among the Mexican states and territories was made by the government about the same time; and in the count the Californias were estimated to contain eighty

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<sup>1</sup> Cal. Archives, D. S. P. II, 99, 100.

<sup>2</sup> Cal. Archives, D. R. VI, 865, 866.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose, III, 293, 294.

<sup>4</sup> Cal. Archives, S. P. XI, 604-607.



thousand of the six million inhabitants attributed to the entire republic. This estimate for the Californias was probably nearly or quite double the real population; but the basis of representation for a deputy to congress was eighty thousand; and for this reason each state or territory was put down as having at least that number. There were twenty-four thousand muskets; and the share of the Californias under the distribution was three hundred and twenty.<sup>1</sup> According to this estimate, the Californias were about the one seventy-fifth part of the republic. But in 1822, when it became necessary to raise a sum of six million dollars for the empire, all that was imposed upon the Californias was a little over seventeen thousand dollars or about the one three hundred and forty-fifth part of the whole tax, of which part Alta California was to pay about two-thirds.<sup>2</sup>

In September, 1829, Echeandia made out a complete list of the governmental departments and officers in the Californias. The executive department consisted of himself as political chief or governor and Zamorano as secretary. The legislative department consisted of the territorial deputation of seven members with Alvarado as secretary. The judicial department was imperfectly organized. In 1826 the state of Sonora and Sinaloa and the territories of the Californias had been made the sixth judicial circuit of the republic,<sup>3</sup> and Alta California was made a district. In 1828 a court for the circuit was installed at Rosario with Jose Joaquin Aviles as judge;<sup>4</sup> but no district court had been organized for Alta California at the time Echeandia wrote, though Martin Gonzalez Rico was appointed to the office of judge about that time.<sup>5</sup> There was also an ecclesiastical court presided over by Father Jose Sanchez, then president of the missions and "vicario foráneo" or representative of the bishop of Sonora. The treasury and customs department, which had been somewhat disarranged by Herrera's conduct, was managed by Manuel Jimeno Casarin at Monterey, Juan Bandini at San Diego, and the military comandantes at San Francisco and Santa Barbara. In Lower California, which in political matters

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<sup>1</sup> Cal. Archives, S. G. S. P. IV, 197-199.

<sup>2</sup> Cal. Archives, S. G. S. P. I, 392.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose, III, 63.

<sup>4</sup> Cal. Archives, D. S. P. S. Jose, IV, 211.

<sup>5</sup> Cal. Archives, D. S. P. S. Jose, IV, 341.

was joined to Alta California, a change had been made in 1828, in reference to military affairs, by which the territory was attached to the comandancia of Sonora<sup>1</sup>—just as for judicial purposes it formed a part of Sonora, with the exception that it had a special ecclesiastical court presided over by Father Tomas Mancilla, the president of the Dominican missions. There was but one commercial port—that of Loreto—in the territory; and the customs department there was under the charge of Luis de Cuevas.<sup>2</sup>

Meanwhile, affairs in Mexico were in a state of great disturbance and disorder. The two great parties, known as the Yorkinos or federalists and the Escoceses or centralists, which had sprung up after the establishment of the republic, were in desperate and often in deadly conflict. The Yorkinos had been in the ascendancy; but in 1827, when an election for president was held, the result proved favorable to Manuel Gomez Pedraza, one of the Escoceses, by a few votes over Vicente Guerrero. Notwithstanding the vote, the Yorkinos determined that Pedraza should not hold office; and in 1828 an insurrection having this object in view was started at Jalapa with Antonio Lopez de Santa Anna at its head. They succeeded so well that on January 1, 1829, the Mexican congress felt constrained to declare Guerrero elected; and he accordingly assumed office. But while the president was thus changed, the vice-president, who had been elected with Pedraza and was a centralist, was allowed to remain. This officer was Anastasio Bustamante. Between him and Guerrero a bitter feud existed, growing out of their political differences and the recent conflict; and it was not long before it made itself felt. Santa Anna, after having been instrumental in helping Guerrero to the presidency, now turned upon him and joined forces with Bustamante. The two, acting in concert, drove Guerrero from the capital into the province of Michoacan, where he was afterwards overwhelmed, seized and, after a pretended trial, taken out and shot down; and Bustamante exercised the powers of the presidency.

In February, 1830, after Guerrero had been driven away from the capital but before quiet had been restored, Bustamante wrote to Echeandia warning him against the opposite faction, whom

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<sup>1</sup> Cal. Archives, D. R. VII, 601.

<sup>2</sup> Cal. Archives, S. P. XIX, 800-807.

he charged with plunging the country into the horrors of civil war. He claimed to be the commander-in-chief and supreme magistrate and avowed his only object to be the preservation of the peace and security of the nation; and he wished Echeandia to make this known to all the Californians—at the same time tendering to him personally the assurances of his distinguished respect and the sincerity of his cordial friendship.<sup>1</sup> The ink, with which this letter was written, was however scarcely dry, when Bustamante appointed a new governor or rather two new governors—one for each of the Californias—to succeed Echeandia.<sup>2</sup>

The removal of Echeandia had been contemplated for some time. When he left Mexico for California in 1825, he was accompanied by Lieutenant Jose Maria Padres.<sup>3</sup> When they reached Loreto, Padres became "ayudante y inspector" and comandante of Lower California and of the marine department,<sup>4</sup> and remained there while Echeandia proceeded to San Diego. In July, 1828, Gomez Pedraza, the Mexican secretary of war and the same person who had been elected president of the republic but was afterwards kept out of his seat by the federalists, wrote that Padres had been appointed to supplant Echeandia and that the latter should return to Mexico.<sup>5</sup> But, on account of the political disturbances at the capital which soon followed the issuance of this order, and the absence of Padres in Lower California, no action was taken upon it. It was not until July, 1830, that Padres finally came to Alta California; and by that time an entirely different person, named Manuel Victoria, had been appointed and was preparing to take Echeandia's place.<sup>6</sup>

Before the change of governors took place, a new electoral college was chosen, which met at Monterey on October 3, 1830, and selected Carlos Antonio Carrillo as delegate to the Mexican congress and Juan Bandini as substitute. The next day the college elected to the territorial deputation Mariano Guadalupe Vallejo, Jose Joaquin Ortega and Antonio Maria Osio as mem-

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<sup>1</sup> Cal. Archives, D. S. P. II, 433, 434.

<sup>2</sup> Cal. Archives, S. G. S. P. VI, 162.

<sup>3</sup> Cal. Archives, D. R. II, 117.

<sup>4</sup> Cal. Archives, D. S. P. Ben. C. & T. I, 98; D. S. P. Ben. LX, 299.

<sup>5</sup> Cal. Archives, S. G. S. P. VI, 211.

<sup>6</sup> Cal. Archives, S. G. S. P. VI, 212, 213.

bers and Francisco de Haro, Tomas Yorba and Santiago Arguello as substitutes.<sup>1</sup> Soon afterwards word reached Monterey that Victoria had arrived at San Diego and desired to know what point would be most convenient for his installation. Echeandia replied that he deemed Monterey the most fitting place; and he urged the new governor to hasten his journey before the rains should render the roads impassable.<sup>2</sup>

As a judge or magistrate Echeandia was by no means brilliant. On one occasion, some year or two after he came to the territory, a man was tried at Los Angeles for alleged malicious wounding of another; but it appeared that the complainant had been drunk, abusive and aggressive; and the accused was triumphantly acquitted. Echeandia ordered him to be placed at complete liberty but added that, if he did such a thing again, he should be punished with the full rigor of the law.<sup>3</sup> Such an order, under the circumstances of the acquittal, could not fail to attract ridicule. But throughout his career there was a lack of shining qualities. He had, however, a very difficult position to fill in the midst of a disturbed and distracted people and in turbulent times. Among other mistakes it was a serious one to live too much away from Monterey, the capital; but he claimed that the northern climate was too severe for his constitution and that San Diego, besides being warmer, was nearer Lower California, of which he was also governor. In person he was tall and gaunt;<sup>4</sup> and when at Monterey or San Francisco he was almost continuously shivering and complaining of cold. He had many enemies and some who were disposed to annoy him. In December, 1830, just before he went out of office, persons of the latter class secretly posted up pasquinades against him on the doors of the houses at Monterey—some with the words "Death to Echeandia" on them. An investigation was had with the object of ascertaining their authorship, but without discovering the perpetrators.<sup>5</sup>

On January 6, 1831, as the last important act of his administration, and after he had received notice of his successor's arrival

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<sup>1</sup> Cal. Archives, D. R. VIII, 506, 507.

<sup>2</sup> Cal. Archives, D. R. VIII, 555.

<sup>3</sup> Cal. Archives, S. P. XI, 651-677.

<sup>4</sup> Robinson, 17.

<sup>5</sup> Cal. Archives, D. S. P. Ben. LXXI, 778-789.

in the territory, Echeandia issued a lengthy bando or proclamation for carrying into effect his plan for the secularization of the missions. He prefaced it with some introductory remarks upon the rights of man in general and of the Indian in particular. He then spoke of the legislation of Spain in reference to the missionary establishments and called particular attention to the law of September 13, 1813, maintaining that the conversion of the missions into pueblos and the enfranchisement of the Indians had long been had in view. He declared that the plan of emancipation in particular cases, which had been tried, had resulted in great evils, as well to the individuals emancipated as to the community at large. At the same time it was plain that the neophytes, subjected as they were to force, were greatly discontented and that the missionary system could not and, under existing circumstances with the greater part of the missionaries disaffected to the government, ought not to, last any longer. Consequently and in view of the action of the Most Excellent Deputation, which had unanimously approved it, he decreed and ordered his plan to be carried into effect.<sup>1</sup>

On January 31, 1831, however, and before any decided executive action towards secularization could be taken, Manuel Victoria, the new governor, made his appearance at Monterey; was sworn in; assumed office, and reversed the movement that had thus been initiated. Echeandia retired, but did not leave the territory. He went to San Diego and afterwards took an important part in the troubles that soon followed the change of administration and the violent measures of his successor. He had been governor from October 31, 1825, to January 31, 1831—a period of five years and three months.

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<sup>1</sup> Cal. Archives, M. & C. II, 120-128; D. R. IX, 150-168.

## CHAPTER V.

### VICTORIA.

THE fourth Mexican governor of Alta California was Manuel Victoria. He was a lieutenant-colonel of the Mexican army and had been a comandante and adjutant-inspector in Sonora.<sup>1</sup> He was appointed political chief, comandante-general and governor of Alta California by Bustamante, the vice-president and acting president of Mexico, on March 8, 1830. His predecessor, Echeandia, had been governor of both the Californias; but the offices were now separated; and at the same time and by the same authority that Victoria was appointed governor of Alta California, Mariano Monterde was appointed governor of Baja California.<sup>2</sup>

Within a few months after Victoria's appointment, a series of instructions was drawn up by the Mexican secretary of state and delivered to him for his guidance. They were similar to those which had been delivered to Echeandia, with the exception of such modifications as were rendered necessary by change of circumstances. They commenced with a declaration that the former instructions had not been complied with, and that they were, therefore, in the main reiterated for the new governor. He was directed to re-establish order and tranquillity; remove in so far as practicable the causes of disturbance and adopt such measures as might be calculated to advance the well-being of the territory and secure the good will of the people to the administration. He was to pay particular attention to statistics, the public lands and the Indians, and especially to the enfranchisement, education and civilization of the neophytes of the missions. In view of these last named objects, it was suggested that some of the most promising Indian youths should be

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<sup>1</sup> Cal. Archives, S. P. XIX, 806.

<sup>2</sup> Cal. Archives, S. G. S. P. VI, 152, 162.

selected and, at the expense of the richest missions, sent to Mexico for education as teachers of various branches, including the most useful arts. Domestic commerce was to be fostered. Colonization was to be encouraged in accordance with the laws and regulations upon that subject, but with prudence and circumspection, so as not to admit too great a proportion of foreigners; and Americans and Russians should not be allowed to exceed one-third of the population. Certain lands solicited by Ignacio Martinez and Jose Ramirez were to be granted to them; also certain lands north of San Francisco bay to Henry D. Fitch and Henry Virmont. Friendly relations were to be established with the gentiles and means taken to prevent wars and reduce them to civilization. He was further to inform himself of the forces maintained by the Russians at Bodega and the Americans at the Columbia and their designs; endeavor to induce the Californians to do the hunting and trapping of the country instead of leaving it to the foreigners, and keep the supreme government informed as to all matters concerning the territory worthy of its attention.<sup>1</sup>

In addition to these instructions the secretary of state sent after Victoria a letter, dated Mexico, October 6, 1830, in which it was stated that information had been received from Jose Maria Padres that the causes of the recent troubles in the Californias were the bad examples and bad teachings of the Spaniards and Spanish missionaries; that an attempt had been made to remedy the evil in part by ordering Father Francisco Vicente de Sarria, the prefect who had refused to take the oaths, to leave the country; that this order had been opposed by the people and troops and had not been executed; that the laws for the expulsion of the Spaniards had not been carried into effect; that on the contrary many, who had been expelled from Sonora and Jalisco, had found an asylum in California, and that effective measures ought to be taken to enforce the policy of the government. In view of this information, Victoria was directed to look into the subjects of Padres' representations; apply such remedies as he might deem of urgent necessity, and report the exact condition of affairs, with such recommendations as he might think it advisable to adopt.<sup>2</sup>

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<sup>1</sup> Cal. Archives, S. G. S. P. VIII, 272-281.

<sup>2</sup> Cal. Archives, S. G. S. P. VI, 242-244.

Armed with these instructions, Victoria proceeded first to Loreto; then to San Diego where he arrived in November, 1830, and thence to Santa Barbara. From the latter place he wrote on January 19 to the secretary of state at Mexico, that when at Loreto he had forwarded to Echeandia notice of his approach and his desire to meet him at San Diego; that Echeandia did not come; that he had sent a special message to know where an interview could be had, and that Echeandia had fixed upon Monterey. He had prepared to proceed to Monterey, when he received further notice that Echeandia would meet him at Santa Barbara. He had waited for him for nearly three weeks and was satisfied that the cause of the delay was the scheming of Jose Maria Padres. He then went on to say that Echeandia had committed the error of publishing a plan of secularization of the missions, which had been in reality drawn by Padres, and that the territorial deputation had been induced by intrigue and falsehood to approve it. A copy of this plan he inclosed. There were in it, he said, some theories apparently calculated for the welfare of the neophytes, but in fact absolutely ridiculous and impracticable. Any one, he claimed, could see at a glance the atrocious objects of its authors. Under its provisions, only a precarious and despicable distribution was to be made to the neophytes, while all the valuable property of the missions was to be placed under the control and at the disposition of administrators. It was altogether a scheme of spoliation, by which only favorites would be benefited and the substance of the missions and the labors for many years of the missionaries and the neophytes would be dissipated and wasted. He further wrote that the plan of secularization had been published at Monterey and San Francisco, but not at other points, where it would meet opposition; and that Padres had caused, by his conduct and his attempts to carry his scheme into execution, the greatest disorders. He declared that the further sojourn of Padres in the territory was a thing which ought not to be tolerated, if anything of real value to the country was to be accomplished. And in all events that the measures of the government must be speedy and energetic to avoid the evils which Padres and his confreres had already brought about.<sup>1</sup>

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<sup>1</sup> Cal. Archives, S. G. S. P. VIII, 164-167.



This letter exhibited the spirit with which Victoria entered upon his government. It did not promise a peaceful administration; nor was it calculated to secure the tranquillity of the country, which had been one of the first and most important articles of his instructions. Having convinced himself that Echeandia was not going to meet him at Santa Barbara, he towards the end of the month proceeded to Monterey, where on January 31, 1831, he took the oath of office; and the government was turned over to him.<sup>1</sup> The next day he issued a short address to the people, announcing that the supreme government had seen fit to place the command of the territory in his hands and that he had taken possession. It would be his object, he said, to promote the public welfare in all its branches and adhere inviolably to what was right and just. To this object, he would dedicate his labors. The laws should be complied with; the government obeyed, and the institutions of the country respected. It would be a part of his duty to reward the honorable and punish the perverse. To do the former would be in consonance with his character and disposition; to do the latter he would be compelled by his honor and his conscience. His aim was, and the aim of all should be, to one end—and that was the preservation of order, with the love of the country as the seal and stamp of every action.<sup>2</sup>

The first act of Victoria's administration, after giving notice of his assumption of office, was a proclamation issued on the same day, declaring Echeandia's decree for the secularization of the missions not in conformity with the will of the supreme government and suspending its execution.<sup>3</sup> He also wrote to the secretary of state that he had found the affairs of the territory in even a worse condition than he had anticipated; that they reflected very little credit or honor upon his predecessor and that, for the purpose of preventing in as far as possible the future machinations of Padres, he had sent that individual to San Francisco, to remain there until further order or till an opportunity might present itself of sending him out of the country. He repeated his charges, previously made at Santa Barbara, that the territorial deputation had been entirely seduced and that for

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<sup>1</sup> Cal. Archives, D. R. IX, 208; D. S. P. III, 19.

<sup>2</sup> Cal. Archives, D. S. P. S. Jose, IV, 407.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose, IV, 406.

this reason he did not intend to call that body together. He added that the ayuntamiento of Monterey and the people were insolent enough to be opposed to him, and even to make threats against him and his proposed course of action. He trusted, however, that the supreme government would aid him and give him its hearty support in his efforts to put the affairs of the territory in a state of good order.<sup>1</sup>

If there could at first have been any doubt about the spirit with which Victoria intended to carry on his administration, it soon became more and more apparent. He had already ordered Padres, really by way of arbitrary compulsion though under the guise of authority and law, to San Francisco. His next move in this direction was to banish Jose Antonio Carrillo, against whom he had conceived an equally violent prejudice, to Lower California. He may have had a right, if his motive had been proper, to order Padres to San Francisco; but for his command to Carrillo to leave the territory there was no justification whatever. He made no charge against him; nor in his official papers did he pretend there was any; but he seems to have regarded him as an obstacle in the way of establishing that unrestricted dominion of his own will, which he was pleased to call "good order;" and he therefore commanded him to leave the country. Carrillo deemed it prudent to go; and he found an asylum with Father Felix Caballero, the same Dominican missionary of San Miguel who had been so enthusiastic on the occasion of Echeandia's triumph over Solis. But Carrillo did not by any means remain quiet there; and before the end of the year he appeared in 'Alta California again—one of the prime factors in the movement which relieved the country of the despot.<sup>2</sup>

It seems never to have occurred to Victoria's mind that he might himself be in the wrong. He was absolutely positive in his opinions; could not, as he thought—if he thought at all upon the subject—be mistaken; and never, for a single moment, felt the least doubt in himself. He was a tall, lean, lank man, half Indian in blood,<sup>3</sup> even narrower in mind than in person, but not

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<sup>1</sup> Cal. Archives, S. G. S. P. VIII, 229-232.

<sup>2</sup> Osio MS.

<sup>3</sup> Robinson, 98.

wanting either in courage, activity or determination. Though he recognized the fact that almost everybody in the territory and, among others, most of the better class of people were opposed to his views—which in the case of many men might have induced a revision of them—he made no question that they were not only all wrong but that they had either been corrupted or were themselves corrupt. The only persons with whom he seems to have been satisfied were those missionaries who had refused to swear to the constitution and were opposed to the government. On February 7, 1831, he wrote that he had met Father Sarria and had received from him an exposition of his sentiments and the reasons for his conduct; and that he considered him fully vindicated. Sarria, he continued, had grown old in his religious profession; was a man of great intelligence, honesty and cultivation, and incapable of sedition. It was not he and the missionaries who had caused trouble, but only Padres and his evil-minded associates. They had called religious observances fanaticism and had even attempted to throw ridicule upon his own obedience to the church. In the revolution of Solis, they had charged the missionaries with taking the part of the rebels and conspiring with them to raise the Spanish flag. But the fact was that Sarria and his companions had opposed Solis and exerted their influence for the government. They had likewise made charges of complicity with Solis against Father Martinez of San Luis Obispo, and Echeandia had expelled him; but there was no doubt that, in so doing, there had been precipitation and oppression. They had accused the missionaries of bad conduct of various kinds and especially of treasonable sentiments, whereas the very missionaries thus accused had taken the oath of independence and, though they refused to swear to the constitution, they had always been obedient to the government and complied with all its institutions.<sup>1</sup>

Even if Victoria had been acting under strict and express orders from the supreme government of Mexico to crush Echeandia and his friends and their proposed plan of secularization, there would still have been no good reason for his violent language and arbitrary mode of procedure. But he was not acting under any such orders. In so far as he deigned to make pre-

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<sup>1</sup> Cal. Archives, S. G. S. P. VIII, 198-204.

tenses of that kind, he was not justified by the facts. He had assumed to pronounce Echeandia's plan an opposition to the will of the supreme government. But he had no proof that such was the case. The government had not pronounced against it. On the contrary, when it was presented to Bustamante, he declined to express any opinion except that the subject was not properly within his jurisdiction, and he therefore respectfully referred it to the consideration of the Mexican congress.<sup>1</sup> So far in fact was the supreme government from being specially opposed to the destruction of the missions or in any respect disposed to favor them, that it was even then contemplating seizing upon the properties which were known as the "pious fund of the Californias" and upon which the missionaries more or less exclusively depended for their support; and in July, 1831, an extraordinary session of congress was called for the following August with the express object of adopting the necessary measures for the accomplishment of that purpose.<sup>2</sup>

In his address or proclamation upon assuming office, Victoria had given notice that he felt both his honor and his conscience involved in a strict execution of justice. It was not long before he had an opportunity of showing that he was not only in earnest in making that declaration, but that he was inexorable. A couple of miserable creatures, named Jose Simon Aguilar and Jose Eduardo Sagarra, had been arrested for robbing the warehouse of the mission of San Carlos. It seems that under the law, passed by the first territorial deputation in 1824, this was a capital offense. But that sanguinary law had been adopted more for the purpose of frightening and thus restraining the excesses of the convicts that had been sent by the ship-load into the country, than with a view of constituting a regular part of the criminal jurisprudence of the territory. It had almost immediately fallen into desuetude and become practically a dead letter, in so far at least as its Draconian features were concerned. No punishment of death for anything like mere robbery or theft had ever been inflicted under its provisions. No one thought of regarding the offense of Aguilar and Sagarra as worthy of death; and their cases were allowed to drag along without any great attention being paid to them, until Victoria came into office.

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<sup>1</sup> Cal. Archives, S. G. S. P. VII, 12, 13.

<sup>2</sup> Cal. Archives, D. S. P. S. Jose, II, 339.

The new governor, as soon as they were reported to him, charged the former administration with shameful neglect of its duties; and, apparently with the purpose of showing how much superior in this respect his own was to be, forced the cases to sentence and ordered the poor wretches out to execution; and on May 28, 1831, they were shot to death in the presidio of Monterey.<sup>1</sup>

There was another criminal case, which had been pending for several years at San Francisco. One Francisco Rubio had been arrested at that place in 1828 for the alleged ravishment and murder of two children, one five and the other one year of age. The testimony as against Rubio as the perpetrator of the crime seems to have been entirely circumstantial; and some of the circumstances were clearly in his favor; but, nevertheless, he was convicted. He stoutly denied any guilt; and the better opinion was decidedly on the side of his innocence. But Victoria, in this as in the cases at Monterey, found an opportunity of charging the former administration with neglect of duty and, turning a deaf ear as he had also done in reference to the Monterey wretches to all representations in favor of the accused and to all applications for mercy and pardon, he ordered Rubio to be executed; and on August 1, 1831, he was accordingly shot at the presidio of San Francisco.<sup>2</sup> Victoria had already become very unpopular among the people of California; but his action in these matters greatly aggravated and embittered the general feeling of hostility which was felt against him.

Meanwhile, in accordance with the instructions he had received before assuming office, he had been collecting information in reference to the condition and resources of the country; and on June 7, 1831, he made his report. The territory, he wrote, was adapted in an extraordinary degree, both on account of its soil and climate, for the cultivation of wheat, maize and other grains, fruits and vines. For stock-raising also it had great capabilities as was shown by the rapid increase of the herds and flocks of the missions. Horses had become so numerous as to cover the plains; and it had been found necessary from time to time of late years to slaughter many of them. Cattle in general were so plentiful as to be of little account except for their hides. As for manufactures there were none except those carried on at the

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<sup>1</sup> Cal. Archives, D. S. P. Ben. LXXIII, 286-357.

<sup>2</sup> Cal. Archives, D. S. P. Ben. LXVI, 90-251; LXXII, 3.

missions, in which wool was worked up by the neophytes into blankets and coarse cloths, and there were some inconsiderable blacksmithing, carpentering, tanning, shoemaking and other common trades carried on. Industries of these kinds, with the proper kind of encouragement, were susceptible of a high degree of improvement; but so far, nothing had been produced for exportation except hides and tallow. The country was so rich in the necessaries of life that it did not require any great labor or exertion to support existence, and there prevailed among the people a lamentable degree of indolence.

The hunting of beavers, otters and seals, particularly of the first two, might have been made one of the most remunerative occupations of the territory; but it had been unfortunately almost entirely neglected. It yielded comparatively nothing either to the public treasury or to private individuals belonging to the nation. So far, only foreigners, by means of violations of the laws and frauds of various kinds, had made profit out of it. He had endeavored to place some restrictions upon them; but without a national vessel on the coast it was impossible to effect much. The beaver hunters, who were almost all from the United States, were scattered over the country, particularly on the rivers leading into the bay of San Francisco; but in reference to them and the damages they were causing, he could do nothing more than call the attention of the government to the subject. No mines worth working had been discovered in the occupied portions of the territory, nor was it known with any certainty that there were any in the vast regions roamed over by the gentiles. It was commonly thought by the most intelligent people that there were no valuable minerals in the country, Owing to the excellence of the climate and the sparse population, epidemics were almost unknown. There had been but little small-pox and also, for that reason, but little vaccination. But syphilis had made fearful ravages among the neophytes. The reason of this was the immorality in which they lived and the absence of physicians and surgeons qualified to effect cures. The missions all had medicines; but there was no one of sufficient knowledge to administer them with any skill.

He spoke next about the population and the foreigners, who had been naturalized or granted letters of security. He did not

regard with favor the local militia—and particularly in view of the disturbances which had recently agitated the territory. But the measures which had been adopted seemed productive of good results; and he thought the territory would advance, in common with the whole republic, in the paths of peace and prosperity. To secure such a consummation was worthy the earnest attention and care of the government. It was a vast country, rich in natural advantages, almost limitless in its capacity for what might be made of it.<sup>1</sup>

This report, as in fact all Victoria's official papers, read well. He handled the pen with ability. But his measures were by no means as prudent or as well calculated for salutary effect as they sounded in his report of them. He said among other things that he had endeavored to place restrictions upon the fur trade that was carried on by foreigners without profit to the government or advantage to the people. Yet the chief, and only important, action he had taken upon the subject was an order, dated February 4, 1831, which, if carried out, would have served not so much to restrict the trade by foreigners as to destroy and prevent fur-hunting altogether. This order was a refusal of the petition of Joaquin Ortega, who desired to make a business of hunting otters and for that purpose to employ certain boats, expressly built for that kind of service, and their foreign owners. By so doing some advantage at least might have been gained by the Californian employer, and the foreign employees prevented from hunting on their own account. A commencement might have thus been made, of sufficient success perhaps to encourage other Californians to engage in the business and thus gradually to bring about such a hunting of otters on the part of the Californians themselves as effectually to supplant the foreigners. Something of this kind had been contemplated and suggested in the directions that had been drawn up with so much care and forethought by the secretary of state. But Victoria was entirely too narrow-minded to see beyond the letter or understand the real spirit of his instructions; and, as they aimed at discouraging hunting by foreigners, he refused to permit foreigners or their boats to be employed even by Californians. He declared that it was only "*hijos del pais*" or citizens and their boats that could engage or be employed in the busi-

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<sup>1</sup> Cal. Archives, D. R. IX, 339-346.

ness.<sup>1</sup> There being no "hijos del pais," who had a taste for personally hunting otters or who had any boats fit for the service, Victoria's order amounted substantially to a prohibition of the business on the part of the Californians altogether.

In March, 1831, five or six weeks after reaching Monterey and assuming the reins of government, Victoria visited San Francisco and from there passed over to San Rafael and Sonoma. In September following he wrote an account of his visit to the secretary of war. At San Francisco he had met Jose Maria Padres. Though he had already repeatedly spoken of Padres in the most violent terms, and represented him as one of the most dangerous men in the territory who ought to be shipped away as soon as possible, he allowed himself to be cajoled into taking him along on his visit to the frontier establishments and then permitting him to go by himself to inspect and gather information in reference to the Russian posts at Bodega and its neighborhood. But now, he said, he regretted his compliance. Padres' visit to the Russians had resulted in nothing but evil consequences. Padres had pictured to the Russian comandante the condition of the Californians as miserable and in fact horrible. Padres had represented the writer as a despot, and the priests who had charge of the missions as fanatics and tyrants, who oppressed the Indians with the most cruel and galling slavery. Padres in fine had done all the harm he could and had not hesitated to accuse the supreme government itself. He felt satisfied that the Russians, through Padres' treasonable disclosures, had learned much about the internal affairs of the territory; but he believed they were deceived in some of their information, and likely to be fatally mistaken in reference to the political situation at the center of the republic, upon the faith of which they were extending their fields of cultivation and projecting further aggressions. To be more certain about all this, however—he wrote in conclusion—he had determined in the following November to visit the Russian establishments himself; and he would then forward in full the results of his investigations.<sup>2</sup>

On the same day of September that he thus wrote to the secretary of war about Padres, he wrote to the secretary of the

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<sup>1</sup> Cal. Archives, D. R. IX, 1.

<sup>2</sup> Cal. Archives, D. R. IX, 373-375.



interior about another individual, whom he seemed to consider no less dangerous and objectionable. This was "el estrangero, Abel Stearns." Stearns, or "Don Abel" as he was usually called throughout the territory, was an American from Massachusetts. In the enterprises of his younger years he had gone to Mexico and from there in 1828 accompanied Jose Antonio de la Guerra y Noriega to California with the idea of founding a colony. He had settled at Los Angeles; engaged in trade, and very soon become one of the foremost, if not the first, man—foreigner though he was—of the pueblo. Finding himself thus prosperous and with an eye to the future, he made an application for a land grant; and it was on the occasion and with reference to this application that Victoria now wrote. He said that he had already, in many previous letters, written about the pernicious qualities of this foreigner. He now charged that Stearns had come to the territory with the sole object of getting land. His motives had been and were of the most sinister description. He had made common cause with Padres and the other factious disturbers of the territory and participated in all their evil and treasonable designs. He had been active in a recent intrigue to call together the territorial deputation for the purpose of having an opportunity of exercising his malevolent influence upon its members and, among other things, inducing them to deprive the writer of his office of governor. In July he had attempted to go to San Francisco; but the writer, being firmly satisfied that it was only to meet Padres and his accomplices and to forward their common malicious purposes, had not only prevented the journey but ordered Stearns to leave the territory. Still, notwithstanding this peremptory order, Stearns had resisted. He had twice called public meetings of the people and protested against the writer's orders as acts of violence. In those meetings he had made false representations. He had pretended, among other things, that the prevention of his journey to San Francisco caused a serious loss to his interests and business, whereas he had in fact no business at San Francisco, or, if he had, it was only in connection with one of his friends and countrymen, a certain John B. R. Cooper, whose only occupation was publicly and continuously murmuring against the writer's operations and the supreme government and claiming

that the nation was indebted to him in a large amount of money and had treated him with great injustice. It was understood that Cooper proposed to present and urge his claim at headquarters and that for this purpose he had prepared a number of certificates and other documents; but they were all fabricated by his partisans; and the writer would at any time be able to show their falsity, if invited to do so. But as to Stearns and the order requiring him to leave the country, the writer was entirely satisfied that he had proceeded with all justice and moderation, as in all his operations he had always done.<sup>1</sup>

These two violent letters, launched against Padres, Stearns, Cooper and others, were supplemented by a third, written a few weeks afterwards to the secretary of the interior and purporting to be another report on the state of the territory. He said that he had prevented the execution of the plan of secularization and foiled the ambitious projects of its authors; but that Echeandia, Padres and their coadjutors were still active in their intrigues to accomplish their infamous purposes. They were holding clandestine correspondence together with a view of convoking the territorial deputation, and by means of its action—the majority of its members being in the plot—of driving him from office and carrying out their suspended plans. So far, he had been able to counteract their schemes; but they were seducing more and more of the people; and, among others, Ensign Mariano Guadalupe Vallejo and Sergeant Jose Sanchez had joined them. As an evidence of their nefarious action, he inclosed an account of a meeting of the ayuntamiento of San Jose, held in the previous July, in which that body had spoken of “oppression,” of “thwarting the popular will” and of “the people’s rights,” and had even gone so far as to demand, as a popular body, a convocation of the deputation. As a further evidence of the lengths to which his enemies were willing to go and in proof of his charges that they were even seducing the neophytes of the missions, he also inclosed an account of a judicial examination of several Indians, who professed to have a knowledge of the intended calling of the deputation and forcible removal of the governor from office. According to the testimony, “Jose el Cantor,” an emancipated neophyte of Soledad who had been at San Francisco, had there been informed of what was intended; had heard Vallejo and

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<sup>1</sup> Cal. Archives, D. R. IX, 375-377.

Sanchez talk about it; knew that Juan B. Alvarado and Jose Castro were in accord with Vallejo, and had been told to keep secret what he had heard and seen. He had, however, after leaving San Francisco and arriving at Santa Clara, spoken of what was to take place to Narciso, Pedro and other neophytes of that mission. In fine—continued Victoria—the confederates would stop at nothing to effect their malicious designs.<sup>1</sup>

At the same time Victoria persistently refused, as before, to call together the territorial deputation. The state of affairs, thus exhibited, of an unpopular governor obstinately and arbitrarily opposing the general will and antagonizing and in unmeasured terms denouncing almost every man of consideration and influence in the territory, could not last long. The people were growing more and more excited and their demands for a meeting of the deputation, and the adoption of such measures as the exigencies of the case required, more and more urgent and determined. Their leaders saw that the time was ripe. They were not slow to seize it. The movement commenced at San Diego on November 29, 1831. Pio Pico, Juan Bandini and Jose Antonio Carrillo issued a pronunciamiento at that place, setting forth in substance that they were well affected to the supreme government and believed in sustaining and complying with the laws; but that they felt themselves obliged to rise against a tyrant, whose criminal abuses of power had become intolerable. God, who knew their hearts, knew that they did so with pure intentions; that it was love of country and respect for the laws which actuated them; that they took up arms in behalf of justice and public right; that it was not against the government or any of its institutions that they demanded redress; but only against the individual, Manuel Victoria, who under cover of his high office had violated almost ever principle of the fundamental basis upon which the government rested. He had attempted to suppress the territorial deputation, destroy popular representation and establish absolutism; he had suppressed the *ayuntamiento* of Santa Barbara; he had inflicted capital punishment in cases not warranted by the laws; he had arbitrarily and without justification expatriated Jose Antonio Carrillo and Abel Stearns, and committed many other offenses, treating legal proofs and representations which were in any respect opposed to his own arbi-

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<sup>1</sup> Cal. Archives, S. G. S. P. VIII, 233-243; D. R. IX, 382-385.

trary will with disrespect and contempt. In the very few months of his administration, owing to his despotic character and unfitness for his position, he had jeopardized the peace and tranquillity of the country and the persons and property of all its citizens. They demanded and resolved, therefore: first, that Manuel Victoria, as an infractor of the laws and a conspirator against the liberties of the people, should be suspended from his office of comandante-general, political chief and governor of the territory; and, secondly, that the territorial deputation should be convoked as soon as practicable, and provision made for vesting the vacated military and political commands in different and distinct persons, until other and different provision might be made by the supreme government.<sup>1</sup>

In addition to the original signers, Pico, Bandini and Carrillo, all the officers and principal men of San Diego almost immediately became participants in the movement. Pablo de Portilla comandante of the presidio and captain of the Mazatlan troops still remaining there, Santiago Arguello comandante of the cavalry, Ensigns Jose Maria Ramirez and Ignacio del Valle and Sub-lieutenant Juan Jose Rocha gave in their adherence and called upon the garrison to join the movement, which without hesitation and with full accord it did. On December 1, Pico, Bandini and Carrillo, in connection with the military officers named, had a second meeting and, with a view of providing a temporary governor until the deputation should meet or other provision be made, chose Echeandia and proclaimed him invested with all the powers and authority of such office. Echeandia with the others immediately signed the document, to which an account of the action last mentioned was appended<sup>2</sup> and which as a whole was called "El Plan de Pronunciamiento" and published it to the country.

Almost immediately after the publication of the pronunciamiento, Pablo de Portilla marched with a body of about thirty soldiers from San Diego to Los Angeles for the purpose of sustaining the movement against Victoria at that place. The people there in general were in favor of it; but Vicente Sanchez the alcalde was opposed. He had been a willing instrument in various of Victoria's tyrannous proceedings. As Portilla ap-

<sup>1</sup> Cal. Archives, D. S. P. S. Jose, IV, 402-405.

<sup>2</sup> Cal. Archives, D. S. P. S. Jose, IV, 405, 406.

proached, he escaped and made his way northward. Meanwhile Victoria himself, having received information of the pronunciamiento, was on his way from Monterey southward. He was apparently almost unconscious of the general and wide-spread hostility which he had provoked. Though his object was to seize and shoot the ringleaders of the rebellion, he was marching against them almost entirely alone, as if his single presence would be sufficient to dissipate their forces. At Santa Barbara, however, he found about thirty men whom he placed under the command of Captain Romualdo Pacheco and from that point took along with him.

Portilla, as soon as he heard that Victoria was on his way, hastily gathered up all the recruits that could be got together at Los Angeles and joined them to his San Diego troops. He thus found himself in command of two hundred armed men. With these he marched out a short distance from the pueblo; posted himself in an advantageous position on a hill, and awaited the coming up of his adversary. Seeing that Victoria had only thirty men and that they were in fact a portion of his own company of Mazatlan troops, whom he had some time previously and before there was any idea of a battle with the governor sent to Santa Barbara, he was desirous of avoiding a conflict and made no motion to attack. He knew that, with his overwhelming numbers, the result of a fight could hardly be doubtful but that under any circumstances it would be fatal to many of his friends. On the other hand Romualdo Pacheco of Victoria's side clearly saw that there was little or no prospect of success with only thirty men against two hundred—and those thirty old companions in arms of Portilla. He therefore urged Victoria to retire to San Fernando and gather reinforcements before attempting to cope with the opposing army.

But Victoria, violent and overbearing as he was even under such circumstances, harshly intimated that Pacheco's advice was actuated more by fear than by prudence and insisted upon going forward. Pacheco replied that he would soon demonstrate that there was nothing akin to fear in his composition and, placing himself at the head of his little column, was the first to advance. Upon reaching the foot of the hill, where Portilla was posted, Victoria cried out to him to leave "aquel hato de bribones—that

pack of scoundrels." Portilla replied by ordering Victoria to halt. Victoria rejoined that it was insolence in Portilla to attempt to order his superior. At this Pacheco ordered a charge and dashing forward met Jose Maria Avila of the opposite party. Both were mounted on good horses. Pacheco made a stroke at Avila with his sword. Avila carried a pike with a bayonet fastened on the end, with which he warded off the blow and then, drawing a pistol, shot Pacheco to the heart and killed him. Avila next attacked Victoria and was about to transfix him with his bayonet, when he was himself struck down and mortally wounded by a ball through the hip. Victoria, seeing him fall, stooped to run him through with his sword; but Avila, with a desperate effort, seized his adversary by the leg and pulled him down from his horse. As the two lay struggling, several other persons rushed up. One was Tomas Talamantes, Avila's nephew, who aimed a blow with his saber at Victoria; but as he did so a soldier on the other side interposed his carbine. Such, however, was the force of Talamantes' stroke that the carbine was split up nearly to the breech and a small part of the saber's point breaking off cut Victoria a terrible gash in the face.

Upon seeing Pacheco dead and Victoria down, Portilla's two hundred men appear to have become frightened at the sight of blood and started back for Los Angeles. Talamantes upon looking round and finding himself deserted, deemed it time to follow his comrades and, sinking his spurs into the sides of his horse, dashed off. It is related that at this moment one of Portilla's recruits, who had been detained at the pueblo and had taken too much aguardiente, came rushing up to join his party. As he approached, Victoria's soldiers asked him what he wanted. He suddenly stopped; opened his eyes wide, and, seeing the position in which he was about to place himself, cried out, "Away with you, you are no friends of mine," wheeled round and followed Talamantes.

The immediate result of the battle, if battle it can be called, was to leave Victoria in possession of the field. But he soon found himself comparatively alone. His thirty soldiers in a short time abandoned him and went off to join their comrades on the other side. Pacheco was dead. Avila also was dead; but that was little satisfaction. Victoria himself was badly

wounded and felt much more like seeking a confessor than attempting to make any further fight. He accordingly, with one or two friends who remained faithful, made his way to the mission of San Gabriel. There happened at that time to be an excellent surgeon on board an English vessel then lying at San Pedro. He was sent for. Upon examining Victoria's wound, he pronounced it dangerous but said there were a few chances in favor of recovery. This report produced a great change in the sufferer. He sent off a courier for his predecessor and now his rival and on December 9, 1831, stating that he did not wish to die leaving the territory without a head, delivered over the government to Echeandia. At the same time he declared that, in case of recovery, he desired to leave the territory and return to Mexico; and he engaged under no circumstances to mix any further in the political or military affairs of California.<sup>1</sup>

The chances, of which the English surgeon spoke, turned out in favor of Victoria's life. The crisis of his injuries being once passed, he convalesced rapidly. But he had had more than enough of California and the Californians. He adhered strictly to his word; and in a few weeks, as soon in fact as he could travel, he went down to San Diego; embarked on board the American ship *Pocahontas* and on January 17, 1832, set sail for San Blas.<sup>2</sup> He had been governor from February 1 to December 9—a period of ten months and nine days. There can be no doubt that the facts justified his adversaries in pronouncing him a despot and a tyrant; but at the same time there can be no doubt that he was firmly persuaded that everything he did was proper and right. He was active and energetic. He was firm and reliable. He was courageous and brave. His offenses were the fault rather of a narrow mind and a bad education than of a perverse heart.

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<sup>1</sup> Cal. Archives, S. P. XII, 521-523; Osio MS.

<sup>2</sup> Cal Archives, D. S. P. III, 88.

## CHAPTER VI.

### PIO PICO.

THE first thing Echeandia did on December 9, 1831, when Victoria delivered over to him the government, was to issue a circular calling together the territorial deputation.<sup>1</sup> He then took such measures as he deemed necessary to secure public tranquillity, though after the surrender of Victoria the general excitement subsided and there remained no disorder or disturbance to be quelled.<sup>2</sup> He next turned his attention to the condition of governmental affairs and particularly to the question of separating the political and military commands and vesting them in distinct persons, as had been proposed by the *pronunciamiento* of San Diego and was still contemplated. He found that there was an old decree of the imperial congress of May 6, 1822, which provided that in case of the death, absence or disability of a "gefe politico" of a province, the "primer vocal" or first member of the provincial deputation should act as political chief and preside over its deliberations. But in reference to the military command, it seemed clear from the laws that in case of default of a "gefe militar" the command would devolve on the next in military rank. It was possible, perhaps, by adhering to these different regulations in relation to the separate subjects, that a practicable way of administering the government might be found, and one which would, if properly arranged, be in accordance with the plan that had been proposed and had met the favor of the people.<sup>3</sup>

The deputation met at Los Angeles on January 10, 1832. There were present Pio Pico, Mariano Guadalupe Vallejo and Antonio Maria Osio, "vocales propietarios" or regular mem-

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<sup>1</sup> Cal. Archives, D. S. P. III, 86, 87; L. R. I, 407, 408.

<sup>2</sup> Cal. Archives, D. S. P. Mon. VI, 34, 35.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose, IV, 393.



bers, and Santiago Arguello, "vocal suplente" or substitute. Pio Pico, as "primer vocal," made an opening address and presented the circular of Echeandia calling the body together.<sup>1</sup> Word had been sent to Echeandia, that a quorum was present and that he should make his appearance and preside over the sessions; but he replied from San Juan Capistrano that he was engaged in important negotiations in reference to the embarkation of Victoria and could not come until they were concluded. Under the circumstances, the deputation resolved to proceed to business without him. On January 11, the second day of the session, all the above named members being present and also Jose Joaquin Ortega, a "vocal propietario," the subject of Victoria's abuses and infractions of the laws was taken up and discussed at great length; and the result was the appointment of Vallejo and Arguello as a committee to collect proofs and documents to support an "expediente" or statement of facts against Victoria for transmission to the supreme government. The deputation then took up the subject of a political chief for the territory. Vallejo produced the law of the imperial congress of May 6, 1822; and it was resolved that Echeandia should be immediately communicated with; again invited to attend and preside over the meetings of the deputation, and, if he refused and no good reason to the contrary appeared, that Pio Pico, by virtue of his office of "primer vocal" of the deputation, should be declared "gefe politico" and in effect "gobernador interino" of Alta California. It next became a question whether the deputation should continue its sessions at Los Angeles or remove to San Diego so as to secure the co-operation of Echeandia; and it was resolved to remain at Los Angeles. The subject of a comandante-general or military chief was also discussed; and it was recommended that Echeandia should call a council of military officers to elect one.<sup>2</sup>

At the next meeting of the deputation, which was held January 13, Ortega and Osio were appointed a committee to prepare for publication in the territory a manifesto against Victoria. They made their report at a meeting held January 17, and it was approved.<sup>3</sup> It however contained nothing but general

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<sup>1</sup> Cal. Archives, L. R. I, 404-407.

<sup>2</sup> Cal. Archives, L. R. I, 410-413.

<sup>3</sup> Cal. Archives, L. R. I, 415-417.

charges against his administration and an appeal to the people to sustain the pronunciamiento and the deputation.<sup>1</sup> Meanwhile Echeandia had again been written to and invited to attend the meetings; but on January 18, he wrote from San Diego that his military duties required his personal attention at that point and would prevent his attendance at Los Angeles.<sup>2</sup> There is some doubt whether this letter was sent; but, if so, it seems certain that it did not reach its destination for more than a year after it bore date. At a meeting of the deputation held on January 26, Pico announced that a courier had just arrived from San Diego, but had brought no reply from Echeandia, and that his silence caused great disorder in the dispatch of business. Vallejo thereupon proposed that without further hesitation or delay Pico should be sworn in as "gefe político" in accordance with the decree of May 6, 1822; and it was resolved that on the next day the ceremonies of installation should take place.<sup>3</sup>

On January 27, 1832, accordingly, at two o'clock in the afternoon, in the presence of the deputation, Pio Pico, "primer vocal," was sworn into office as political chief and in effect governor of Alta California. The oath was administered by Vallejo. Arguello made an address, in which he congratulated the country upon being governed by a son of the soil. It seemed to him, he further said, that since the memorable November 29, 1831, the country had been guided by the hand of Omnipotence; law and right had prevailed; and he believed that the occasion of which his hearers were witnesses, as it was the proof as well as the result of their liberty, was one of the most glorious and would in the future be regarded as one of the most memorable in the annals of the country. Pico himself, in a few remarks, returned thanks for the honor conferred upon him and pledged his best endeavors for the benefit of the territory.<sup>4</sup>

This action of the deputation, thus taken without the participation of Echeandia, was by no means agreeable to that chief. It roused him. He no longer found his military duties so en-

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<sup>1</sup> Cal. Archives, D. S. P. III, 93-95.

<sup>2</sup> Cal. Archives, D. S. P. III, 96, 97.

<sup>3</sup> Cal. Archives, L. R. I, 421, 422.

<sup>4</sup> Cal. Archives, L. R. I, 423, 424.

grossing as to require his presence; but posted off at once for Los Angeles. He reached there on January 31, and immediately sent a communication to the deputation, which he addressed to the "Señor Vocal Presidente Accidental" the "Citizen Pio Pico." It was very plain that he was not satisfied with the course affairs were taking; and he gave notice that he had something to say upon the investiture of Pico and the manner in which it had been brought about. But, as there was no longer sufficient time that afternoon to present his objections, he would defer them until the next day.<sup>1</sup>

On February 1, Echeandia sent in a very long letter to the deputation, addressed as the last one, in which he complained that it had acted hastily and without justification. His letters had been misunderstood or misconstrued. He had intended, as soon as he consistently could, to present himself at Los Angeles and take part in forming proper bases for the prosperity of the country. But the action of the deputation was calculated to despoil him violently of his office of political chief, of which he considered himself still in the enjoyment; to injure him in his reputation, and to disturb the good order and quiet of the community which still recognized him as such. He then entered upon a full exposition of his views upon what ought to be done before any attempt should be made to designate a new political chief. The rights and duties of the office ought to be defined and the powers limited in such a way as to prevent further abuses. If there was to be a separation of the political and military commands, the respective jurisdictions should be fixed. As it was, everything was unsettled; there was no certainty; and there could be no feeling of security. On these accounts he trusted the deputation would reconsider its action and take such further measures as the exigency might require.<sup>2</sup>

This communication having been presented, Pico, with the idea apparently of obviating most of Echeandia's objections, proposed the appointment of a committee to draw up a constitution or plan of government for the territory. Ortega was chosen for that purpose.<sup>3</sup> At a subsequent meeting, Ortega proposed that Echeandia should be requested to acknowledge Pico

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<sup>1</sup> Cal. Archives, D. S. P. III, 98-102.

<sup>2</sup> Cal. Archives, D. S. P. III, 105-110.

<sup>3</sup> Cal. Archives, L. R. I, 426-428.

as political chief and to cease exercising the functions of that office; and it was so resolved.<sup>1</sup> But Echeandia declined to accede. On the contrary he presented a further communication to the effect that the ayuntamiento and people of Los Angeles refused to recognize Pico or any other person than himself as political chief,<sup>2</sup> and transmitted the report of a public meeting, held under the auspices of the ayuntamiento on February 12, in proof of what he stated.<sup>3</sup> The deputation in answer to this, adopted a resolution that Echeandia should be requested to exhort the ayuntamiento and people of Los Angeles to acknowledge Pico.<sup>4</sup> But as Echeandia had previously refused to acknowledge Pico on his own account, so now he declined to ask the Los Angeles authorities and people to do so. In his reply to the request, he charged that Pico's appointment was not only not in accordance with law but that Pico himself was wanting in the necessary information and intelligence to fill the office. He even went so far as to talk of a resort to force and intimated that the deputation might consider itself responsible for the disturbances that were likely to ensue from its abuse of power.<sup>5</sup> Such language was of course calculated to injure the writer much more than the person written against. When it was read in the deputation, Pico very meekly, but with skill enough to prove his intelligence, remarked it was likely that he lacked many qualifications; but that the country had seen fit to elect him to the deputation and the deputation afterwards, to the office of political chief. Vallejo next took the floor and urged, what however needed no urging, that Echeandia had no just reason for his gratuitous remarks and had in fact far overstepped the limits of propriety.<sup>6</sup>

The quarrel thus started bade fair to lead to serious difficulties. The deputation would not recede; nor would Echeandia yield. Each party made charges and threats against the other, and each had its partisans. But neither was anxious to initiate an open attack or to plunge the country into another conflict of arms. The beginning of a sort of compromise was at length effected

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<sup>1</sup> Cal. Archives, L. R. I, 430, 431.

<sup>2</sup> Cal. Archives, L. R. I, 432.

<sup>3</sup> Cal. Archives, D. S. P. III, 117, 118.

<sup>4</sup> Cal. Archives, L. R. I, 433-435.

<sup>5</sup> Cal. Archives, D. S. P. III, 126-129.

<sup>6</sup> Cal. Archives, L. R. I, 435-439.

by an agreement on the part of the deputation to suspend its meetings at Los Angeles. At its last meeting there, on February 17, the subject of contention was entirely avoided; and the only thing of importance done was the hearing and adoption of the report of Vallejo and Arguello on the subject of an expediente against Victoria.<sup>1</sup> Soon afterwards and with the object, apparently, of formulating the proposed expediente, the members of the deputation proceeded to San Diego; and there, on February 24, having formally drawn up their charges and arranged and attached the proofs and documents that were to accompany it, they signed and certified it ready for transmission to the supreme government.<sup>2</sup>

This expediente, which was intended as a sort of impeachment upon which judicial proceedings against Victoria might be based, was a lengthy production. It purported to state all the facts and give the proofs of all the abuses of which Victoria had been guilty. But it went much further and discussed the subject of the government of California in general. "Such governors," it among other things said, "as have hitherto been sent to this country have been absolutely subject to the influence of the Spanish missionaries. These missionaries unfortunately, owing to prepossessions in their favor and general fanaticism, had acquired and enjoy a certain amount of acceptance among the larger portion of the population. This they have managed greatly to augment by means of the wealth of the territory, which has been placed in their hands and which they have administered to the prejudice of the wretched neophytes, who have been compelled to labor incessantly and without deriving any advantages whatever either to themselves or their children from their labor. Up to date, consequently, these unfortunates have remained in the same unhappy circumstances as at the beginning of the conquest, with the exception of a very few who have acquired some knowledge of their natural rights. But in general they have languished in oppression. They have been ground down by stripes, inflicted with the object of suppressing in their minds the inborn tendency to seek relief from tyranny in the liberty, which manifests itself in republican ideas. During the entire history of the country, the missionaries had never

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<sup>1</sup> Cal. Archives, L. R. I, 442, 523-566.

<sup>2</sup> Cal. Archives, L. R. I, 477-488.

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prevent a conflict between their rival forces, and preserve the public peace.<sup>1</sup>

Zamorano pretended to represent the supreme government, and he collected his forces under that pretense. It was however a mere pretense. His forces consisted as a whole of thieves and convicts, of whom there were still many in the neighborhood of Monterey. A government that had flooded the country with such a set of scoundrels was, perhaps, not deserving of good defenders. But these were exceptionally bad. They were in general only vagabonds, bent on plunder, who cared nothing for the government and very little for Zamorano except as a convenient name to shield them from the consequences of their excesses and crimes. This was soon illustrated by the march southward of the first division of these so-called troops. They consisted of about a hundred men and were dispatched by Zamorano with instructions to march to San Diego and commence the great work of exterminating the rebels and re-establishing the supremacy of legitimate authority. The rabble accordingly set out. Their first place of stoppage was the rancho of Jose Mariano Estrada, distant five leagues from Monterey. Upon reaching it, they took violent possession; and, in the name of and under the claim of aid for the supreme government, they stripped it completely, leaving little or nothing except bare walls and tiles. The same conduct they repeated at the next places they reached, one after the other; and it seemed likely that their course, if continued, would have resembled that of some all-devouring plague. But Zamorano, finding that his plans would not be much furthered by such supporters, countermanded his orders and compelled them to return to Monterey.<sup>2</sup>

Zamorano's next move was to place a hundred men of somewhat better character under charge of Lieutenant Juan Maria Ybarra and send them on in advance of his own intended march for Los Angeles. Ybarra accordingly set out and proceeded with something like order to the designated point. As soon as it was known that a hostile body had taken the field, Echeandia began marshaling his forces in opposition; and one of his officers, Leonardo Barroso by name, took up an advantageous

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<sup>1</sup> Cal. Archives, L. R. I, 444.

<sup>2</sup> Osio MS.

position with a piece of ordnance at a place called "Paso de Bartolo" on the San Gabriel river. Though Barroso had but fourteen men, Ybarra dared not attack but posted himself and his troops on a hill in full view and watched the gathering of his adversaries.

Echeandia was then at San Luis Rey. Imagining that the entire northern part of the territory was coming down to assault him, and considering himself therefore justified in adopting extreme measures, he had not only called upon the troops and people of his neighborhood for help; but he had also invited all the Indians of the southern part of the territory, as well gentiles as neophytes, to his standard. He appointed Paso de Bartolo as the place of rendezvous. In a few days his forces and particularly the Indians commenced gathering. In five days they amounted to five hundred and in ten days to a thousand men. The best of them were selected and furnished with horses; some three hundred lances were distributed; and, as the new recruits were told off and armed, they were instructed in evolutions and drill. Besides those who were thus enlisted, there were over a thousand more who were all apparently enthusiastic in the cause and anxious to be enrolled and led against the enemy.

The prospect of a fight growing threatening, more however on account of the difficulty in restraining the Indians than from any desire on the part of the whites for a conflict, Ybarra thought it proper to withdraw from too great proximity and retired with his troops to Santa Barbara. As soon as he was out of sight, the discipline, which Barroso had been able to maintain in his camp in the presence of the foe, relaxed; and the danger of having collected and armed the Indians became more and more apparent. Protests and complaints against Echeandia's policy flowed in from all sides. Echeandia himself appears to have become alarmed and, for the purpose of creating a diversion among his own adherents, divided his forces. The deputation meanwhile busied itself with correspondence and negotiation between the respective leaders; and, as neither of them was willing to take the responsibility of commencing the shedding of blood, it succeeded at length in effecting a compromise and putting a stop to the din of arms. It was agreed that until further disposition by the supreme government, the



military command of the territory should be divided between Echeandia and Zamorano, the former to be recognized as military chief from San Gabriel southward and the latter from San Fernando northward. In case of convulsion in either section, the military chief of the other was to furnish aid and assistance to suppress it; and a regular monthly courier was to be maintained between Monterey and San Diego to keep up a correspondence. The deputation recognized neither Echeandia nor Zamorano as political chief, but practically left the question of political supremacy open, claiming however that jurisdiction in all cases not covered by the compact remained in its own body.<sup>1</sup>

Under the circumstances, as there was nothing very precise in the terms of the arrangement thus made and as there were in effect three different and distinct governors, Pico, Echeandia and Zamorano, the powers of neither of whom were defined, disagreement and trouble might have been expected at any time. But fortunately each party was afraid of further disturbance and did its utmost to avoid and prevent it. Each being specially interested in preserving peace, there was extraordinary public tranquillity; and for a season at least there was a cessation even of the common brawls, thefts and disorders which for some time had gone to make up the regular daily history of the country. Every one was busy in carrying out the spirit of the compact. Zamorano withdrew his troops northward and gave up threatening the south; and Echeandia as rapidly as he could disbanded his Indians and sent them back to their missions and rancherias. The deputation on its part made no effort to pass new laws or to take any action that could occasion opposition, but contented itself with drawing up a long memorial of what had occurred for transmission like others which it had sent to the supreme government, and then again suspending its meetings.<sup>2</sup>

In this last mentioned paper the deputation, before getting through, returned to the old subject of complaint. "The principal causes," it said, "of the grievous evils under which the country has suffered are: first, the presence in the territory of the Spanish missionaries; secondly, the condition of slavish oppression in which the neophytes are held under the detestable mission system; and thirdly, the union of the military and

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<sup>1</sup> Cal. Archives, D. S. P. III, 145-148; Osio MS.

<sup>2</sup> Cal. Archives, L. R. I, 459-476; Osio MS.

political commands in one and the same person. On account of this union the missionaries, who exercise great influence and power over the military chief, wield the same over the political chief and thus manage, despotic as they naturally are, to keep down the Indian population by a joinder of authority and force. The missionaries are thus enabled with impunity and at their own arbitrary will to inflict punishments upon the neophytes and to scourge them publicly; nor has it ever been known that their so-called paternal feelings for their spiritual flocks has ever shrunk from exercising this tyranny. They possess, though for what reason is not known, the power to act in this respect as they please; and they are countenanced in everything they do by the orders of the military chief, under whose authority they carry out their determinations and even their whims. They accomplish their objects with the aid of the corporal and four soldiers who are supported in the missions respectively and fulfill whatever the missionaries direct.”<sup>1</sup>

Not only was the deputation thus bitter against Spanish missionaries: it was equally so against foreigners. In speaking of the members of a recent convention at Monterey, which had pronounced in favor of Zamorano, it said: “Among them are two individuals, occupying the position of leaders of a company of foreigners, called out by the aforesaid Zamorano. In reference to this subject, it seems proper to give an exact statement of the circumstances in which the territory has been placed by the introduction of foreigners. They have acted in shameful abuse of the toleration extended to them and in notable contempt of the laws. Of the two individuals referred to, one is of English blood, who holds letters of naturalization; the other is an Italian, who not only has no letters but is an ignorant man, knowing neither how to read nor write. The latter, like many others of the foreigners in the country, was a sailor and is engaged as a stevedore. It is chiefly of this kind of men that Zamorano has formed his company of foreigners—men who came to the country as sailors and deserted their ships. Some of them have been prosecuted by their captains for bad conduct; others feeling themselves equally guilty stole away and hid themselves until after their vessels departed. Such is the class of men who have trampled upon the laws in the capital of the country;

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<sup>1</sup> Cal. Archives, L. R. I, 473, 474.

such the abuses, the toleration of which is an outrage and notorious damage to the credit of the nation and the good name of the government."<sup>1</sup>

The foreign element had already become, and was every day becoming more and more, an important factor in the history of the country. The number of foreign residents was not only increasing; but their influence was becoming more wide-spread and their power more effective. They were in general active and enterprising business men, far excelling in this respect the Mexicans and native Californians; and, though great jealousy of them still continued to exist, scarcely any measure of public importance was attempted and much less carried through without their acquiescence and co-operation. Their position in the territory had therefore very materially changed since the days when Jedediah S. Smith had been buffeted about from place to place. Alfred Robinson, who arrived from Boston on a vessel engaged in the hide and tallow business in 1829 and who settled in the country, found the foreigners already able to take their own part. Not long after his arrival he opened a mercantile house at Monterey. At first he and other foreign residents there were in some danger of attack. The prejudices of the lower classes of Mexicans against them were strong. Rumors of their intended uprising to rob and murder the foreigners were frequent. A plan for this purpose seems to have been actually formed by some of the troops and the convicts whom they had been sent to guard; and the only reason no open attempt was made was because they did not consider themselves strong enough. They shouted continually, "Death to the Spaniards and foreigners," but were afraid to do more. And undoubtedly their discretion was the better part of their valor. The Americans, especially, were well armed and well prepared for any attack that might have been made. A large church-bell had been procured and hung up on one of the cross-beams of Robinson's store-room; and it was well understood that it was to announce to all the foreign residents the least appearance of treachery. An alarm upon it would at any moment, like a blast upon Roderrick Dhu's horn, have called together an overpowering band of fighting men.<sup>2</sup>

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<sup>1</sup> Cal. Archives, L. R. I, 461, 462.

<sup>2</sup> Robinson, 96, 97.

In 1830, William Wolfskill a Kentuckian and Ewing Young a Tennessean, the latter of whom had been in California in 1829, fitted out an expedition in New Mexico with the object of hunting and trapping in the Sacramento and San Joaquin valleys; but, failing to get over the Sierra, they changed their plans and proceeded to Los Angeles, where they arrived in the early part of 1831. A number of this party brought along a quantity of serapes, which were a closely-woven and excellent kind of woolen blankets of New Mexican manufacture. Their intention had been to barter them with the Indians for skins; but the change of destination rendered this impracticable. Upon their arrival at Los Angeles, however, they found a still better market for their serapes among the rancheros than they would have found among the Indians and exchanged them at great advantage for Californian mules. Wolfskill and others remained in California; but most of the New Mexicans returned to their homes where the large size and great excellence of the mules, as compared with those of that time used in the Missouri and Santa Fe trade, and the report of the very low prices in serapes for which they had been purchased, created a sensation. The result was the springing up of a regular trade between California and New Mexico, which was carried on by means of caravans and flourished for ten or twelve years. These caravans brought serapes and immigrants and carried back mules and silks and other goods that had been landed from ships visiting China.<sup>1</sup>

Among the immigrants, who thus reached California by the way of New Mexico, were a number who afterwards bore a prominent part in the history of the country, of whom Dr. John Marsh, B. D. Wilson and J. J. Warner may be mentioned. These were sometimes of very great assistance to the Californians. In 1830, in an expedition made by the alcalde of the mission of San Jose to the San Joaquin country in search of fugitives, the Californians were so badly worsted that they asked help of a party of American trappers—being a portion of one of the companies who had come from New Mexico. The Americans consented and with their rifles soon drove the Indians before them; killed a number; burnt their villages and conducted the Californians safely on their way back to the mission.<sup>2</sup> Such

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<sup>1</sup> Centennial History of Los Angeles County, 18.

<sup>2</sup> Cal. Archives, D. S. P. II, 442-444.

services, as well as many others in which the Americans aided the Californians, could not fail to make friends for them, and particularly when the advantages of the trade which they brought to the country began to be felt and appreciated at their real value. The trade with the Russians amounted to something; but the trade with the Americans soon overshadowed everything else of the kind ever known in the territory; and the intercourse consequent upon it brought the different peoples closer together.

Robinson relates the story of the building of a ship, about this time, which, with the exception of the little launch put together by an Englishman under the auspices of Luis Antonio Arguello at San Francisco about 1816 and such building as was done by the Russians at Fort Ross, was the first vessel built in Alta California. The circumstances resemble in some respects those of the building of "El Triunfo de la Cruz" by Father Juan Ugarte in Lower California in 1719. But in this case the builder was an American named Chapman. He came from Boston, where in his earlier years he had worked in a ship-yard and learned the trade of a shipwright. Afterwards he had gone to sea and at length joined the Buenos Ayres insurgents who attacked Monterey in 1818. He, however, became disgusted with that service and either escaped or allowed himself to be taken prisoner and had ever since remained in the country. Being active and industrious, as well as ingenious and of good deportment, he gained the esteem of the Californians and married into one of the best families. But being an illiterate man and probably having no linguistic faculty, he had acquired or by degrees adopted for his own use a mongrel language, composed of English, Spanish and Indian words so intermingled that it was difficult to understand his speech. Nevertheless he managed to drive with great energy and success every project he undertook and, as was often said of him by the missionaries, he was able notwithstanding his unintelligible tongue to get more work out of the Indians, when employed to superintend them, than all the majordomos of the missions put together. At the time referred to, there was great need at San Pedro of a vessel that should belong to the missions; and Chapman, under the directions of Father Jose Sanchez of San Gabriel and at the

expense of that mission, undertook to build one. There is no timber near San Pedro, nor nearer than the mountains back of San Gabriel, more than thirty miles distant from tide water. But Chapman was not to be deterred by this. He went out, selected his trees, had them cut down, hewn into planks and transported to San Gabriel, where he framed his vessel. When the labor at that place was finished, he had the different pieces carried on carts down to the beach at San Pedro; and there he fitted them to one another and finally completed his work—a schooner of about sixty tons burden, which, in honor of the patron saint of Mexico, was named the “Guadalupe.” Its launch, which with good reason was considered quite an important affair, was successful and was witnessed by a great concourse of people, gathered from far and near.<sup>1</sup>

The foreign adventurers, who settled in the country in very early days, were in general a fair class of men. There was little or no temptation for very bad characters: no field in which they could make much by their villainies. Such men found the territory unpromising and soon left it again, without becoming permanent residents. Occasionally, however, a blackguard or an impostor remained for some time. One of the latter class, for instance, a sailor who had deserted his vessel, conceived the idea of setting up for a doctor and accordingly did so at Santa Barbara. There being no physician in the country, he managed to impose upon the credulity of the more ignorant sort of people and for a while, by administering his pretended remedies in aguardiente, of which he partook very freely himself, drove a brisk business.<sup>2</sup>

The first scientific man to make a lengthened sojourn in the country was Dr. David Douglas. He was a naturalist and botanist from Scotland; had been indefatigable in his researches throughout the northern regions of America, and had come to add to his treasures the peculiar productions of California. The “Douglas spruce” and several other plants, which he discovered or first made known to the scientific world, were named in his honor. Robinson, who met him at Monterey, relates that he would frequently go off, attended only by a little

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<sup>1</sup> Robinson, 100, 101.

<sup>2</sup> Robinson, 66.

dog, and with rifle in hand search the wildest thickets in prosecuting his investigations. He had no objections to meeting a bear, indeed often sought for one; but, as he told Robinson, he had a sort of mortal dread of a bullock—even when grazing in a field. He afterwards went to the Sandwich Islands; and there one morning his body was found at the bottom of a pit prepared as a trap for wild bulls—gored to death. A bull had been ensnared; and it was supposed that the naturalist had, for the purpose of observing the furious animal, approached too close and by a caving of the bank been precipitated upon the fatal horns. His faithful little dog was found near the spot, watching a basket of his lost master's collections.<sup>1</sup>

The intercourse between the Californians and foreigners also had its amusing side. It will be recollected how the Indians of Lower California at one time amused themselves with Father Juan Ugarte by pretending to teach him their language and getting him to say all sorts of ridiculous things. The same trick was sometimes played off by a foreigner. A ludicrous instance occurred in the case of Father Luis Antonio Martinez, the same missionary who was sent out of the country for complicity in the Solis rebellion. When Robinson first visited the mission of San Luis Obispo, of which Martinez was then in charge, he was surprised upon riding up to be saluted by the padre in English—and still more surprised by the tenor of the language. "How do you do, sir? Very good oysters, Mr. Fish! Come in! May the devil skin you to make your mother a night-cap!" As he went on, the most outrageous oaths rattled from his voluble tongue. At length, tired and doubtless exhausted of his display of English, he abandoned it for the easier Spanish, with which he was much more familiar. From the tone and manner, if not from the words, Robinson knew he was welcome; and he afterwards inquired into the mystery of the padre's English vocabulary. It was soon solved. An old Scotchman, named Mullikin, had resided for several years with the missionary at the mission of Santa Cruz and had amused himself with teaching him a number of low, vulgar and profane phrases and persuading him they were excellent English. Misled by old Mullikin, Father Luis imagined himself quite a pro-

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<sup>1</sup> Robinson, 107.

ficient in the language and supposed he had addressed his visitor in the most civil and courtly terms.<sup>1</sup>

The most significant fact, however, to illustrate the position occupied by the foreigners in the country was that they were sought after or at least welcomed by the "hijas del pais" or Californian señoritas as husbands. The Californian men in general were indolent, addicted to many vices and not good providers. The foreigners and particularly the Americans, on the other hand, were as a class young, vigorous, enterprising, industrious and steady. They might not touch the guitar as lightly, but they made better husbands than those of Mexican blood; and the young women, who on their part were handsome and graceful and of modest and correct deportment, were quick to learn and properly appreciate the difference.

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<sup>1</sup> Robinson, 106.



## CHAPTER VII.

### FIGUEROA.

WHILE Pico, Echeandia and Zamorano were contending in the spring of 1832, as to who should have temporary control of Alta California, the supreme government at Mexico appointed a "gobernador propietario." The new appointee was Jose Figueroa. He was a Mexican by birth; had Aztec blood in his veins; had taken an active part in the revolution against Spain; exhibited ability of various kinds, and risen to be a general of brigade in the Mexican army. At an early period in the history of the republic, he had been made comandante-general of Sonora and thereby placed in intimate relation with California. In 1825, when the Mazatlan troops which had been sent to reinforce Sola after the attack of the Buenos Ayres insurgents were first ordered to return homeward by the overland route, he had marched up to the Colorado to meet them; but he had hardly reached that point before he was called back by a rising of the Yaqui Indians.<sup>1</sup> The next year he wrote to the governor of California in relation to the road between Arispe and San Diego and showed that he had a very good knowledge of it and incidentally that he knew much about California.<sup>2</sup> This knowledge became still more intimate in 1829, when in compliance with a law of the previous year Lower California, though its political government remained in Echeandia, was for military purposes attached to Sonora; and Figueroa as comandante-general of Sonora exercised military jurisdiction over it;<sup>3</sup> and this jurisdiction continued until about the end of 1830, when Echeandia was superseded as governor of Alta California by Victoria and as governor of Baja California by Monterde.

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<sup>1</sup> Cal. Archives, D. S. P. I, 295-303; D. S. P. Ben. LVII, 462, 463.

<sup>2</sup> Cal. Archives, D. S. P. Ben. LVII, 458.

<sup>3</sup> Cal. Archives, D. S. P. II, 323, 324.

The appointment of Figueroa to the place vacated by Victoria was made, as Victoria's appointment had been, by Bustamante the vice-president of the republic. His commission was dated May 9, 1832.<sup>1</sup> Figueroa was then at the federal capital. A few days afterwards the comandante of Acapulco was directed to have in readiness a number of troops to accompany the new governor;<sup>2</sup> and about the same time a series of instructions, as usual in such cases, was made out and placed in Figueroa's hands. These instructions, however, were much more full and elaborate than ordinary and were intended to furnish a complete and circumstantial account of everything that had taken place in the territory from the time Echeandia became governor. Among the papers were a statement of the events, which had led to Victoria's expulsion, and copies of the various documents relating thereto and of the instructions which had been issued to Echeandia and to Victoria.<sup>3</sup> Figueroa was directed to re-establish and cultivate peace and tranquillity; to collect information concerning the country, and to pay especial attention to the enfranchisement of the neophytes, their civilization, the division of lands amongst them and their education, including the selection of their most promising youths for instruction in Mexico. He was to encourage domestic commerce and colonization and, as far as practicable, carry out the recommendations in reference to the Russians and Americans that had been made to Victoria.<sup>4</sup> He was further instructed that, as there were very few artisans in California, it would be advantageous to take along skilled workmen, such as hatters, tailors and shoemakers, even though they might be convicts,<sup>5</sup> and that convicts who served out their terms and desired to settle in the country should be remembered in the distributions of public lands.<sup>6</sup> He was also directed to inform himself and report to the government on the trade carried on with Russian vessels and American whalers;<sup>7</sup> on the movements of Fathers Sarria and Duran

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<sup>1</sup> Cal. Archives, D. S. P. Jose, IV, 470, 471.

<sup>2</sup> Cal. Archives, D. S. P. III, 142-144.

<sup>3</sup> Cal. Archives, S. G. S. P. VIII, 217-287.

<sup>4</sup> Cal. Archives, S. G. S. P. VIII, 270-287.

<sup>5</sup> Cal. Archives, S. G. S. P. VIII, 159, 160.

<sup>6</sup> Cal. Archives, S. G. S. P. VIII, 271.

<sup>7</sup> Cal. Archives, S. G. S. P. VIII, 215, 216.

the leading missionaries who were opposed to the government,<sup>1</sup> and on the administration of Echeandia.<sup>2</sup>

Besides the voluminous papers thus placed in his hands for the purpose of informing him on the condition of affairs in California, Figueroa was advised to have an interview with Victoria who had recently returned and was then in Mexico.<sup>3</sup> A meeting was accordingly arranged and took place. Victoria gave verbal explanations upon various points relative to the political and military government of the territory and the complications which had arisen there.<sup>4</sup> Figueroa, having informed himself as thoroughly as possible about everything which would be of importance and interest to him in his new government, and having collected a quantity of equipments, clothing and other baggage to take along, asked for an escort to protect his train from the attacks of highwaymen on the road from Mexico to Acapulco; and about the beginning of June he set out on his journey for the latter place, where he was to embark for California.<sup>5</sup> At Acapulco, he found five or six officers and a number of soldiers ready to accompany him.<sup>6</sup> There were two national vessels lying in port, the brig Catalina and the brig Morelos; and both were intended for California. The latter, however, though placed under charge of one of Figueroa's officers, Manuel Martinez by name,<sup>7</sup> did not sail. Figueroa himself prepared to go in the Catalina. But there were various preparations to be made; and it was not until after more than a month of detention that the vessel weighed anchor and stood out to sea. During the delay, Figueroa busied himself with his instructions and chalked out a few measures of administration to be attended to on his arrival at his destination. One of these was a regular service by couriers between California and Sonora by the way of the Colorado.<sup>8</sup> Another was a tax which he proposed to impose upon all otter and beaver skins exported from California.<sup>9</sup> At the same time

<sup>1</sup> Cal. Archives, S. G. S. P. VIII, 291.

<sup>2</sup> Cal. Archives, S. G. S. P. VIII, 293, 294.

<sup>3</sup> Cal. Archives, S. G. S. P. VIII, 161.

<sup>4</sup> Cal. Archives, D. S. P. III, 160.

<sup>5</sup> Cal. Archives, D. S. P. III, 158.

<sup>6</sup> Cal. Archives, D. S. P. Ben. LXXXVIII, 60, 61; D. S. P. III, 152.

<sup>7</sup> Cal. Archives, D. S. P. III, 169.

<sup>8</sup> Cal. Archives, D. S. P. III, 162-164.

<sup>9</sup> Cal. Archives, D. S. P. III, 165.

he appears to have studied the constitution and politics of the country and expressed a very decided opinion that Mariano Guadalupe Vallejo who was acting as a member of the deputation, being at the same time an officer of one of the presidios, was not entitled to his seat and that in assuming to fill it he was acting in violation of the laws.<sup>1</sup>

When everything had been placed on board the *Catalina* and the arms and ammunition, including a four-pounder field-piece, many muskets and abundant cartridges,<sup>2</sup> safely stowed under hatches, Figueroa issued a proclamation to his troops. After speaking of the re-establishment of order in the republic, which he however represented as much more quiet than it in fact was, he proceeded to announce that the supreme government had confided to them the duty of tranquillizing and preserving the integrity of Alta California, which had of late been almost continually threatened by the Spaniards, the Americans and the Russians. It was a glorious enterprise and he hoped and trusted they would show themselves worthy of the confidence reposed in them. He had faith in their approved patriotism; and he felt confident that with such soldiers he should succeed in any undertaking, wherever duty might call him.<sup>3</sup>

The *Catalina* sailed from Acapulco on July 15, 1832.<sup>4</sup> It proceeded first to Mazatlan and while lying there is said to have been struck by lightning, which set fire to some of the cargo but did not reach the powder, and no great damage was done.<sup>5</sup> From Mazatlan the vessel proceeded to San Blas and took on board eleven missionaries of the college of Zacatecas under charge of Father Garcia Diego. They were intended to take the places of the recusant priests of the country and fill up vacancies—it being already well understood that they were in accord with the government and ready for the changes that were in contemplation in reference to the missions. From San Blas the ship sailed to Cape San Lucas, where it arrived at the latter end of July. But it had scarcely reached that point, when a number of the troops revolted; and there was a long series of troubles before Fig-

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<sup>1</sup> Cal. Archives, D. S. P. III, 166.

<sup>2</sup> Cal. Archives, D. S. P. III, 173.

<sup>3</sup> Cal. Archives, D. S. P. III, 200.

<sup>4</sup> Cal. Archives, D. S. P. Ben. LXXXVIII, 60.

<sup>5</sup> Robinson, 139.

ueroa or those of his soldiers who remained faithful or the priests could get any further on their way to Alta California.

The tranquillity of the Mexican republic, of which Figueroa had spoken at Acapulco, had been violently disturbed by Santa Anna, who was then rising into fame and power. He had in 1829 joined forces with Bustamante against Guerrero and assisted in making the former the virtual head of the government. But finding that the course of events under the new administration was not exactly as he wished it, he about the middle of 1832 instigated a new revolution and took up arms against Bustamante. The contest was a comparatively short one. Bustamante had already held office longer than could have been expected; and, recognizing the fact that it was a dangerous thing under the circumstances to oppose the faction headed by Santa Anna, he resigned. His retirement was probably the only thing that saved him from the fate of his predecessor, Guerrero. However this may have been, the movement against him became very general; and, among its many other results, it was made the pretext by a portion of Figueroa's troops at Cape San Lucas to rebel; to pronounce in Santa Anna's favor, and to insist on being led back to Mexico to assist in fighting his battles. They took possession of the vessel and, leaving Figueroa and most of his friends and the missionaries on shore, obliged the captain of the ship to return and land them at San Blas.<sup>1</sup>

The number and strength of the rebels rendered any attempt to prevent their departure impracticable. But when the Catalina sailed for San Blas, Figueroa directed Nicholas Gutierrez, the most able and reliable of his officers, to accompany the vessel, and at San Blas recruit other soldiers for California.<sup>2</sup> Soon after being thus left without the means of transport, Figueroa made his way to La Paz in search of another ship and, after much bargaining and extensive correspondence, succeeded in making arrangements. But his new plans were rendered unnecessary by the return of the Catalina, which came back much sooner than he had expected. It appeared that the rebels on the voyage to San Blas had broken open the military chests and made themselves masters of the money and stores intended for California, and upon landing had given themselves up to riot and dissipa-

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<sup>1</sup> Robinson, 139.

<sup>2</sup> Cal. Archives, D. S. P. III, 174.

tion; but they left the vessel to sail back to San Lucas as soon as Gutierrez could put on board a few new recruits and dispatch it.<sup>1</sup>

Figueroa at once prepared to resume his voyage. Before doing so, however, he issued a second proclamation to his soldiers. After congratulating them upon the return of the *Catalina* and its readiness to conduct them to their destination, he spoke of the mutineers it had carried away. Those bold and bad men, he said, had arrived at San Blas with the fruits of the robbery they had committed on the voyage; but they had dissipated everything almost immediately after landing. They might, if deserved ill-fortune had not attended them, have escaped the punishment due to their offenses, for the reason that the climate of San Blas prevented the maintenance of a garrison and they could have gone off unchallenged; but their disorders became so great that the country rose against them. They were seized, with Rafael Nunez their leader at their head; prosecuted; condemned; carried in chains to Guadalajara, and there expiated their crimes by a public execution. "In all this," he exclaimed, "is to be seen the arm of avenging justice! Such is the end of the malevolent! See, my friends, how ephemeral the triumphs of iniquity!"

Figueroa next spoke of the political outlook of the republic and pronounced it promising. After various vicissitudes, General Bustamante had withdrawn from the government; a president had been appointed in his place; satisfactory arrangements had been made with General Santa Anna; peace was about to be restored and public order re-established. "Soldiers," he continued, "The day of our march approaches. We go to fulfill our duties, with the satisfaction of having by our constancy overcome the obstacles thrown in our way by adverse circumstances. Your labors will soon end. You will reach a land highly favored. You will rest by the side of your compatriots, the Californians, and enjoy their affection and sympathy. You will recognize in that land the country of our ancestors. You will see the original homes where the Aztecs lived before they moved down to Tenochtitlan and founded the empire of the Montezumas!" Nor was the honor and glory of the enterprise, on which they were bound, all that was to be considered. It

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<sup>1</sup> Cal. Archives, D. S. P. III, 187-193, 222-224.

was proposed to reward all who faithfully fulfilled their obligations with grants of land upon the completion of their service. The law so provided; there should be no delays; in fine, there was no part of the republic which offered such opportunities for poor men to make their fortunes as Alta California. "It is there, in such a region," he concluded, "that our country calls us. It will know how to estimate our labors. It will remunerate us for all our privations. In ourselves alone rest the honor of obeying the voice of duty and the glory of facing danger."<sup>1</sup>

The Catalina left La Paz about the end of November, and on January 14, 1833, reached Monterey.<sup>2</sup> At San Lucas, Figueroa had endeavored to acquire information as to the state of affairs in Alta California and particularly as to the movements of Echandia; but nothing of importance could be learned. There was, however, little or nothing of importance to be ascertained. It was known throughout the territory that the new governor was on his way, and the various factions remained quiescent. On July 28, about two weeks after Figueroa sailed from Acapulco, Echandia in anticipation of his arrival had issued an address to the Californians, in which he stated that in a few days they would have the pleasure of welcoming their new chief. As for himself, his satisfaction was beyond expression. The day, the happy day, approached in which the proceedings they had taken against Victoria would be appreciated and justified. He called upon all to manifest their patriotism by joining with him in tendering obedience to the new governor.<sup>3</sup> On October 17, upon a rumor that Figueroa had landed at Monterey, he wrote a letter in explanation of his position. He had felt himself compelled, he said, by the obligations which he owed his country to take an active part in the pronunciamiento against Victoria; but, as a consequence, he had the satisfaction of knowing that the territory still remained an integral part of the republic. It in fact already enjoyed to a very great degree relief from the oppressions under which it had long suffered; and this in spite of the powerful influences exercised by the missionaries, who were all with very few exceptions advocates of Spanish interests and apologists of Spanish supremacy. He wrote still fur-

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<sup>1</sup> Cal. Archives, D. S. P. III, 184-186.

<sup>2</sup> Cal. Archives, D. S. P. S. Jose, IV, 470, 471.

<sup>3</sup> Cal. Archives, D. S. P. III, 195, 196.

ther, welcoming the new governor, congratulating the country upon his arrival, expressing respect, offering obedience and counting it an honor to subscribe himself his compatriot, subaltern and friend.<sup>1</sup>

Figueroa, upon his arrival at Monterey, was handed Echeandia's letters; and he immediately even before disembarking wrote a very friendly reply, proffering his services in protecting the latter's honor and ensuring the safety of his person and employment. The supreme government, he said, was disposed to throw the veil of oblivion over what had taken place in the territory. Its only object was to re-establish constitutional order without the sacrifice of men. As for himself, invested as he was with the power of both the political and military commands, he was resolved to neither molest nor do prejudice to any one. It rested, therefore, solely with Echeandia himself, by his influence and example of submission to the supreme authority, to effect a complete pacification. And he trusted in Echeandia's honor, patriotism and regard for the well-being of the community that he would contribute by all means in his power to that happy result.<sup>2</sup>

On January 15, 1833, the day after his arrival, Figueroa disembarked. He was met, received and welcomed by Zamorano and placed in immediate possession of the government and of all the authority that Zamorano could transfer. As this authority, however, embraced only the military command of the northern half of the territory, it was necessary next to secure the military command of the southern half, which still remained in Echeandia.<sup>3</sup> On January 17, the second day after disembarkation, Figueroa, accordingly, issued an official paper addressed to Echeandia, based upon a correspondence which he had had upon the subject with the secretary of state before leaving Mexico, and in express terms granting a general amnesty to all and every one who had been concerned in the movement against Victoria. He expressed himself gratified with the patriotic sentiments expressed by Echeandia and called upon him and all others to assist in the promotion of tranquillity, the observance of law, the removal of every germ of discord that might disturb

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<sup>1</sup> Cal. Archives, D. S. P. III, 225-228.

<sup>2</sup> Cal. Archives, D. S. P. III, 91, 92, 291.

<sup>3</sup> Cal. Archives, D. S. P. III, 251, 252.



the general repose and the immediate establishment of confidence and security. With this end in view, he further wrote to Echeandia that the state of oscillation and division, which had recently existed in the territory, must cease and that, as one of the first steps to be taken, Echeandia should transfer to him and place under his sole orders as military chief all the troops under his command.<sup>1</sup>

It might have been supposed that this missive to Echeandia, in connection with the correspondence that had preceded it, would have been sufficient. But Figueroa, notwithstanding all that had been said, was still not satisfied. On the next day he wrote again. In the last letter he stated that the supreme government had received with favor the complaints made by the Californians against Victoria and would require that officer to answer for his conduct before the appropriate tribunal. He now repeated his assurances of personal friendship for Echeandia. But at the same time—and this was doubtless the chief object of the communication—he significantly inquired about his return to Mexico; added that he would be pleased to render it as satisfactory as possible, and suggested that Captain Barroso might accompany him.<sup>2</sup>

Having thus disposed for the time of matters of most immediate concern, Figueroa next ordered a solemn mass to be performed in thanksgiving for his safe arrival and in supplication for divine favor in the preservation of peace. The ceremonies were appointed for, and took place upon, January 20. Father Duran the president of the missions and Father Garcia Diego the prefect of the Zacatecas priests conducted the services. And to render the occasion as imposing and memorable as circumstances would admit, the day was made a public festival and the amnesty, which Figueroa had brought with him from Mexico, was publicly proclaimed in the presence of the municipal authorities and all the people, who had been invited to attend.<sup>3</sup> The next day, Figueroa, returning again to the subject of the military command of the south, addressed a letter to Lieutenant Juan Maria Ybarra and asked him to report all that was taking place at Echeandia's head-quarters. How was the news of his

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<sup>1</sup> Cal. Archives, D. S. P. III, 237-239.

<sup>2</sup> Cal. Archives, D. S. P. III, 253, 254.

<sup>3</sup> Cal. Archives, D. S. P. III, 257-259.

arrival received there? What was Echeandia's conduct in relation to it? Did he hold any councils of armed men? Were there any demonstrations of disobedience or indications of a continuance of disorder? Upon all these points Ybarra was required to communicate by special courier and to take the necessary precautions to prevent interception or surprise. He was also to keep a watch upon the missionaries; to prevent conspiracies; to see that no treasonable combinations were formed, and generally to maintain at any cost the supremacy of lawful authority.<sup>1</sup>

Echeandia, on his part, could hardly have been ignorant even from the beginning that he was suspected; but, if he had any doubt upon the subject, it was removed by the deluge of letters which he received from Figueroa. They all reached him on the same day. He immediately answered that he was ready to comply with any orders that might be given and was only anxious, before leaving the country, to clear his honor from any taint of suspicion.<sup>2</sup> This answer had its intended effect. A few days afterwards, information came that the Indians of San Diego, unwilling to live any longer under the mission system, had banded together to demand a distribution of lands and cattle and to make Echeandia, whom they recognized as favorable to their complete emancipation, governor of the territory; and it was intimated that Echeandia might have something to do with the movement.<sup>3</sup> But Figueroa refused to entertain any further doubt, and wrote to Echeandia that he was entirely satisfied with his conduct and his faithful adherence to existing authority.<sup>4</sup> At the same time he asked him to assist Santiago Arguello in quieting the Indians; and soon afterwards he wrote to his chief informant Pablo de la Portilla, then stationed at San Luis Rey, that there was no great danger of any serious uprising at San Diego; but that, if any trouble occurred, he should act with energy and might rely upon being succored and supported with all the force of the territory.<sup>5</sup>

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<sup>1</sup> Cal. Archives, D. S. P. III, 260-263.

<sup>2</sup> Cal. Archives, D. S. P. III, 264-272.

<sup>3</sup> Cal. Archives, D. S. P. Ang. I, 532; D. S. P. Ben. P. & J. V, 914-921; D. S. P. III, 273-275.

<sup>4</sup> Cal. Archives, D. S. P. III, 292.

<sup>5</sup> Cal. Archives, D. S. P. Ben. P. & J. V, 916-919.

Whatever cause of uneasiness Echeandia may have been to Figueroa, it did not last long. On various occasions Echeandia had spoken about his return to Mexico; and Figueroa was not only willing, as he had written, but was in fact anxious to further his departure. An opportunity offered in the following April. Certain moneys due from William A. Gale, supercargo of the American ship *California*, were appropriated for the purpose of paying the passage of both Echeandia and Barroso from San Diego to the city of Mexico;<sup>1</sup> and soon afterwards they left the country, and neither of them ever returned.

Figueroa himself would have been very willing to leave California at the same time. He complained that the climate did not agree with him. His health was broken, and he felt his strength giving way under the strain to which he was subjected. Though willing to sacrifice himself for the public service, he deemed it his duty to ask to be relieved, and as speedily as possible. He was subject, he said, to frequent apoplectic attacks, which prevented him from performing intellectual labor, and to severe rheumatic affections, which were very painful and prostrating. Nor had he any hope of re-establishing his health in a climate so different from the heats to which he had become accustomed. He felt that he would be compelled to change his residence and feared that he might at any time be obliged to transfer the government to some other person. He begged, therefore, that a new governor—some one who was active and capable of labor as well as intelligent and experienced—might be appointed in his place.<sup>2</sup>

Notwithstanding his illness, Figueroa managed to do much which many a well governor might have neglected. He found a lot of old cannon at Monterey, which had been ruined by the Buenos Ayres insurgents in 1818: he negotiated a sale of them.<sup>3</sup> He learned that certain trees, which had been planted on the sides of the road and formed a part of the beautiful alameda from Santa Clara to San Jose, were being cut down for fire wood: he ordered the vandalism to cease instantly and took measures that nothing of the kind should be attempted for the

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<sup>1</sup> Cal. Archives, D. S. P. III, 326-331.

<sup>2</sup> Cal. Archives, D. S. P. III, 307-309.

<sup>3</sup> Cal. Archives, D. S. P. Ben. C. & T. II, 563.

future.<sup>1</sup> Jose Castro and Ramon Estrada had procured a license from Zamorano to employ foreigners to hunt otters: in consideration of there still being no citizens to man the boats, Figueroa renewed the license.<sup>2</sup> Rafael Gomez, who had been named public prosecutor, attempted to avoid the duties of his office and wrote a letter of resignation: Figueroa replied that it was not honorable, without some better excuse than he had presented, to resign a position for which he was chosen by the government and that he should still continue to act.<sup>3</sup> He also prepared and forwarded to Mexico a very full account of the revolt against Victoria; praised the conduct of Zamorano, Ybarra, Anastasio Carrillo and the foreign residents of Monterey in assisting to maintain law and put down faction, and recommended them all to the favorable consideration of the government.<sup>4</sup>

About the middle of March, 1833, Father Jose de Jesus Maria Gutierrez, missionary of San Francisco Solano, lifted up the voice of complaint against the foreigners. He had arrived at Sonoma, he said, only a few days before and found there a condition of affairs that made his soul sick and disconsolate. He saw, and was obliged with grief to witness, the Russians on the one side and the Anglo-Americans on the other possessing themselves of the fertile lands of the frontier which ought to be occupied by Californians alone. What was to be done? How was he to act? Without positive orders from the governor to the contrary, he was not disposed to allow foreigners to live within the jurisdiction of his mission. "If there were any trust or confidence to be reposed in them, it might be possible to effect some good; but your excellency knows them, even better than I do."<sup>5</sup> A few weeks afterwards he wrote that a party of some forty Americans, English and French, engaged in hunting at Suisun, were corrupting the Indians and teaching them how to steal; and they ought to be forthwith expelled.<sup>6</sup> A few weeks still later, he wrote again about the foreigners at Sonoma and singled out five of them for special mention. Two of these were good enough subjects; but the other three were very

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<sup>1</sup> Cal. Archives, D. S. P. S. Jose, IV, 488, 489.

<sup>2</sup> Cal. Archives, D. S. P. III, 236.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose, IV, 502-506.

<sup>4</sup> Cal. Archives, D. S. P. III, 310-315.

<sup>5</sup> Cal. Archives, D. S. P. III, 302.

<sup>6</sup> Cal. Archives, D. S. P. III, 325.

objectionable because neither of them was a Catholic.<sup>1</sup> On this account and because they were restless and malignant and for other reasons, which for fear of warming up his excellency's blood he omitted,<sup>2</sup> he had ordered them to report themselves at Monterey; and he begged that the governor would not send them back. It would be better, he suggested, that they should live at the capital, "since those who do not fear God are often restrained by the fear of men and comport themselves well in view of the authorities that keep watch over them."<sup>3</sup> In conclusion, he assured the governor that his letter was not a mere complaint but the petition of a poor friar, whom he had seen proper to favor with his particular consideration.<sup>4</sup>

It was in part, perhaps, on account of this note of alarm, thus sounded by Father Gutierrez, that Figueroa deemed it necessary to take some action in reference to the Russians. But not altogether. The supreme government at Mexico, though it never attempted by force to drive off the unwelcome strangers, had repeatedly complained about their encroachments. In 1827 an order had been issued to Echeandia, setting forth the irregular conduct of the Russians at Fort Ross, their disregard of the law of nations, their seduction of the Indians of San Rafael and their occupation of the Farallones Islands, and directing him to select a post at San Rafael or some other place contiguous to the Russians for the erection of a fort and the maintenance of a garrison of sufficient force to restrain their excesses.<sup>5</sup> A few years afterwards, a correspondence had been opened with Baron Wrangel, governor of the Russian Possessions in America, and an invitation sent him to evacuate California; but he had very courteously replied that the subject was one which concerned the court of St. Petersburg and entirely irrelevant in the correspondence between himself and the governor of California.<sup>6</sup>

<sup>1</sup> "Los tres últimos no me agradan, porque ninguno de ellos es Católico."—Cal. Archives, D. S. P. III, 344.

<sup>2</sup> "Otras mas cosas que diria á V. pero, por no calentarle la sangre, omito."—Cal. Archives, D. S. P. III, 344.

<sup>3</sup> "Mejor será que vivan en la capital; pues los que no temen á Dios, las mas veces por el miedo de los hombres se obstienen, y se comportan bien en vista de las autoridades que velan sobre ellos."—Cal. Archives, D. S. P. III, 344.

<sup>4</sup> "Esta carta, Señor mio y amigo, no es queja, ni cosa que se le parezca, sino una simple suplica, que le hace á V. un pobre fraile á quien V. lo ha distinguido con su particular consideracion."—Cal. Archives, D. S. P. III, 344.

<sup>5</sup> Cal. Archives, M & C. II, 480.

<sup>6</sup> Cal. Archives, M. & C. II, 525-529.

This letter, written at New Archangel towards the end of 1831, reached California about the beginning of 1832, when the country was convulsed with the revolution against Echeandia. Nothing had yet been done towards establishing a military post as a barrier against the Russians. But the subject was still open and continued to be talked about. Figueroa now determined to act.<sup>1</sup> He accordingly in April, 1833, ordered Mariano Guadalupe Vallejo, then an ensign at Monterey, to proceed to the north of the bay of San Francisco. He was to carefully examine the country and particularly Santa Rosa and Bodega, and gather all the information he could in view of, and with especial reference to, the foundation of a fort and pueblo in that neighborhood. He was to act with great caution and prudence towards the Indians and conciliate their friendship. He was also to visit the Russian posts; and in his intercourse with them he was to call into requisition all his abilities as a strategist. "Con todo disímulo y sagacidad—with all reserve and sagacity" he was to ascertain their ulterior views in regard to Fort Ross and their other possessions and the state and condition of their defenses. He was on no account to reveal the secret of the proposed new fort; but, if it became necessary to speak, he should talk of it with indifference and ambiguity, as a thing very remote and impossible to carry into effect for a long time. He was to represent the government as indisposed to undertake anything of the kind and his own expedition as a mere casual visit.<sup>2</sup>

At the same time Figueroa wrote to the Russian comandante of Fort Ross and the governor of Sitka, who was supposed to be then on a visit at that place. He spoke of his great friendship for them personally; expressed a fervent hope that the confidential relations which existed between their respective governments might be preserved in uninterrupted harmony, and informed them that he had sent Vallejo to present his respects and testimonials of his distinguished consideration. With many compliments he in conclusion assured them that he was animated by those sentiments of benevolence and philanthropy, which characterized the Mexican government to which he had

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<sup>1</sup> Cal. Archives, M. & C. II, 460, 461.

<sup>2</sup> Cal. Archives, D. S. P. IX, 131-134.

the honor of belonging, and that his desire was to cultivate relations of still greater friendship and confidence.<sup>1</sup>

Vallejo made quick work of his visit and submitted his report immediately. It was dated San Francisco, May 5, 1833. He said that the Indians on the northern side of the bay were astonished at his coming among them in a friendly spirit and had received him as a great captain. For years past, as a rule, violence and injustice had been exercised towards them, to the shame of the mission system and the scandal of religion. Under the circumstances, it was not surprising that they banded together and maintained a hostile attitude. Nothing else was to have been expected as a necessary consequence of the bad faith, the ill treatment and the sanguinary cruelty they had experienced from the missionaries, who had all the time been professing to be pursuing the method and following the example of Jesus Christ! "Que monstruosidades—what monstrous pretensions!" It would not be difficult, he continued, to relate particular instances of inhumanity which would petrify the most savage breast with horror; but he would reserve the sad recital for some other and more fitting opportunity in the future.

As for the Russians, he had used all the skill and discretion he possibly could to penetrate their objects and designs. The governor of Sitka had not yet arrived; but he had learned from Pedro Kostromitinoff, the comandante of Ross, that there were about four hundred Russians at Sitka, with very good fortifications and twelve large trading vessels, four of which had been built at Ross. If the establishment at Sitka should be continued by the Russians, it would only be on account of the fishery, furs and fine timber found there. Agriculture or pasturage for stock there were none. The natives could live on fish; but the Russians had to have meat and grain and were obliged to purchase them at the nearest available points. The original object in founding Ross, according to what he was able to eke out of the comandante, had been solely to hunt otters and seals. Afterwards they had begun cultivating a little land; but found it a work of great labor and small return. They had also procured a few horses and cattle, which had increased to the number of seven hundred of the former and eight hundred of the

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<sup>1</sup> Cal. Archives. M. & C. II, 494; D. S. P. IX, 182, 183.

latter. They had besides two thousand sheep and sixty swine. More than this number they were unable to maintain. Their land was poor, gravelly and uneven. The yield of wheat was only about eight for one. An attempt had been made to grow wheat in a valley at some distance from Ross; but, on account of complaints by the comandante of San Francisco, the plan had been abandoned. Back of Ross on the mountain-side they had succeeded in cultivating an orchard of four hundred fruit trees and a vineyard of seven hundred stocks, all of which were in good bearing condition.

They had two mills, one driven by the water of a small stream, the other by wind; a ship-yard, where they had built the four vessels previously mentioned and various launches, eight of which were in use at San Francisco. They also had a tannery, in which they made leather and prepared skins of every description, and a shop for all kinds of blacksmithing; and the workmen of both establishments understood their business well. The population of the place was about three hundred, all told; seventy of them Russians of different ages and sexes, the remainder half-breed Russian-Kodjacs, Kodjacs and Californian Indians. The fort itself was somewhat out of repair. It consisted of a square enclosure, one hundred varas each way. On the diagonally opposite corners, one looking towards the ocean in front and the other towards the mountains in the rear, were octagonal block-houses of hewn logs with embrasures, each furnished with six eight-pounder pieces of artillery. A large building at the main gate or entrance of the enclosure, where a sentinel was always on guard, also had embrasures and six cannon; and three others were kept at the house of the comandante. Every person of confidence possessed a musket; and at headquarters there were seventy stand of arms, besides a dozen rifles always in readiness. There were fifty-nine buildings, nine of them including barracks and warehouses—and he might have added a Greek church—within the enclosure; the others scattered without order or regularity on the outside. The walls and buildings were of wood, strong enough to resist the arrows of the Indians but not sufficient of themselves as a defense against artillery.

Taken altogether, Ross was a post of traders rather than of



soldiers. The comandante at the head of it was a sort of administrator or agent of the governor of Sitka. He and his people had been recently outraged by the conduct of some of the neighboring Indians who had committed thefts and a few murders; but, though willing to assist Vallejo if he wished to march against them, they hesitated about doing so on their own account. They were quiet and unaggressive. As a people they were all of low grade except the comandante, who was educated and had liberal ideas. As to the establishment of a fort or barrier, Vallejo said in conclusion, a further examination would be necessary before deciding upon its location; and, under any and all circumstances, he was ever ready and willing to assist in aggrandizing his country and furthering the prosperity of this precious and interesting part of the great Mexican republic.<sup>1</sup>

After this report, the subject of Russian aggression was not deemed of such pressing importance as it had been before. In October Vallejo wrote about fortifying Petaluma;<sup>2</sup> but it was not until afterwards that a barrack was erected near that place. In November Father Jesus Maria Vasquez del Mercado, missionary of San Rafael, following in the footsteps of Father Gutierrez, complained to Figueroa of the great injuries occasioned by the Russians. He said that large numbers of his neophytes, both women and men, had deserted and fled to Ross and that the comandante there had received and kept them with such tenacity that he had found it impossible to recover them.<sup>3</sup> Figueroa replied that if he had any charges to make against the comandante at Ross, he should state them specifically, and that clear proofs of his allegations would be required before any action on them would be taken. He significantly added that the good understanding, which existed between the Mexican and Russian governments, was not to be disturbed foolishly or for ridiculous causes.<sup>4</sup>

On the same day that Figueroa thus wrote to Mercado, he wrote to Rafael Gomez the public prosecutor that Mercado had committed a most horrible crime in the cold-blooded murder of a number of unarmed Indians, who had been granted security

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<sup>1</sup> Cal. Archives, M. & C. II, 224-234.

<sup>2</sup> Cal. Archives, M. & C. II, 505.

<sup>3</sup> Cal. Archives, M. & C. II, 513.

<sup>4</sup> Cal. Archives, M. & C. II, 517.

and safe-conduct, in his name, by Vallejo. In his judgment, public justice demanded the punishment of the missionary's offense:—Gomez was therefore required to report his opinion upon the subject; state the necessary legal proceedings to be taken, and designate the tribunal which would have jurisdiction of the case.<sup>1</sup> This was a much bolder move than might at first sight appear. The idea of punishing a missionary for cruelty to Indians, even though the cruelty extended to death, was novel. The only instance in which it had been attempted was in 1786, in the case of Father Tomas de la Peña Saravia of Santa Clara. He had been accused by the Indians with killing one of their number and seriously wounding another with a mattock. Whatever truth there may have been in the accusation, there was so much prejudice against Indian testimony that their statements were not believed;<sup>2</sup> they were adjudged calumniators and subsequently prosecuted and punished for alleged perjury.<sup>3</sup> After that time charges of excessive cruelty were not unfrequently made, especially when a couple of missionaries quarreled and felt disposed to tell tales. But there were no more prosecutions for anything of the kind until 1830, when one Ylario Garcia, major-domo of the mission of San Diego, was tried and convicted of flogging a number of Indians so cruelly that one of them died.<sup>4</sup> A major-domo, however, was not a missionary of the church.

Whatever may have been Figueroa's purpose in even thinking of prosecuting Father Mercado, it is certain that he was determinedly opposed to the cruelty that had been and was being exercised by the missionaries towards the Indians. He had issued orders, in May, 1833, that the usual floggings must cease. Father Jose de Jesus Maria Gutierrez of San Francisco Solano, the same who had raised the cry against foreigners, complained bitterly of the orders and wanted to know how he was to make Christians out of savages if he could not "paternally correct" them.<sup>5</sup> But Figueroa persisted; and it is likely that his wish to prosecute Mercado was prompted by the same feeling of human-

<sup>1</sup> Cal. Archives, D. S. P. Ben. Misc. II, 111, 112.

<sup>2</sup> Cal. Archives, P. R. II, 546-549.

<sup>3</sup> Cal. Archives, P. S. P. XIII, 219-231; S. P. XVII, 28.

<sup>4</sup> Cal. Archives, D. S. P. Ben. LXXII, 332-510.

<sup>5</sup> Cal. Archives, D. S. P. Ben. Misc. II, 142-144.

ity that induced him to forbid the use of the lash in general. A great change had taken place within a few years, not only in increase of consideration for the Indians, but also in decrease of reverence for the missionaries. But it had not yet reached a stage in which a missionary could be punished for cruelties, however barbarous, that were inflicted only upon Indians. Humane as Figueroa undoubtedly was, he was also prudent. The proposition to prosecute Mercado was dropped; and nothing more was said about it.

In the meanwhile the troubles in Mexico, which had furnished a pretext for the revolt of Figueroa's troops at Cape San Lucas, had been, for a time at least, composed. Santa Anna, after having in 1828 joined the federalists and assisted them in preventing the centralist president Pedraza from taking his seat and in putting Bustamante the vice-president in his place, had again in 1832 taken up arms and raised the standard of revolution on the centralist side and against Bustamante. There seemed every likelihood of bloody work. But in December, Bustamante deemed it prudent to resign his claims. An armistice was thereupon agreed upon and a treaty entered into at a place called Zavaleta, by the terms of which Pedraza was called for a few months to the presidential chair, and Santa Anna who had been elected to succeed him was satisfied in his ambitious designs and quieted. This arrangement constituted what in those days was known sometimes as the "Pacification of Mexico" and sometimes as the "Plan of Zavaleta."

The news reached California in April, 1833. Figueroa immediately announced it and issued an address. The country, he said, had at length ceased to shed tears for the loss of its beloved sons in devastating civil strife. The Mexicans had at last recognized one another; they had embraced; they had become one in sentiment and in interest. The nation in mass, the states in their individual capacity and all the troops of the republic had acknowledged and solemnly proclaimed Pedraza legitimate president. It was fitting that California should do the same. It was especially and eminently fitting that it should tender homage and gratitude to that eminent patriot, General Santa Anna, who had commenced the work of political regeneration and so well sustained and upheld the glorious edifice he had

erected. Time had crowned his sacrifices, and the recognition of his services ought to preserve his illustrious name to eternity.

"Worthy sons of Mars!" continued the address, apostrophizing Santa Anna and Pedraza, "may the country consecrate in the annals of her history the imperishable glory you have acquired; and may you enjoy in peace the immortality of heroes!"<sup>1</sup> Having thus expressed his own sentiments, Figueroa ordered a grand celebration to be held on Saturday and Sunday, April 27 and 28, in honor of the pacification. He directed the balconies and windows of all the houses in Monterey to be adorned and ornamented for the occasion, and a general illumination to be made on both nights. Besides these tamer exhibitions of public delight, there was a bull and bear fight on Saturday, and bear-baiting and a ball on Sunday.<sup>2</sup> And Los Angeles and other places were recommended to follow the example of the capital.<sup>3</sup>

Soon after the news of the pacification of Mexico, and as one of the consequences of it, Figueroa received orders from the supreme government to proceed as soon as possible with the elections in California. These elections, if they had taken place at the regular time, would have been held in October, 1832; but the unsettled state of affairs then existing had prevented them. Figueroa was now directed to call them in conformity with and under sanction of the plan of Zavaleta or so-called "political regeneration of the Mexican republic." He accordingly issued a proclamation, dated Santa Barbara, October 15, 1833, for a primary election on the first Sunday in November and for a meeting of the electoral college or junta at Monterey to elect a deputy to congress on Sunday, December 1, and a full territorial deputation on Monday, December 2, 1833.<sup>4</sup> At the same time he issued instructions that, though neophytes were to be considered as minors and could not be admitted to the elective franchise, yet all emancipated Indians were undoubtedly entitled and were to be admitted to vote.<sup>5</sup> In accordance with this proclamation and these instructions, the elections were held and

<sup>1</sup> Cal. Archives, D. S. P. III, 333, 334.

<sup>2</sup> Cal. Archives, D. S. P. Mon. II, 135.

<sup>3</sup> Cal. Archives, D. S. P. Ang. XI, 39.

<sup>4</sup> Cal. Archives, D. S. P. Ang. I, 700; X, 17; D. S. P. S. Jose, IV, 561.

<sup>5</sup> Cal. Archives, D. S. P. S. Jose, IV, 562, 563.

resulted in the choice of Juan Bandini as delegate to the Mexican congress, with Jose Antonio Carrillo as substitute; and Carlos Antonio Carrillo, Pio Pico, Francisco de Haro, Joaquin Ortega, Jose Antonio Carrillo, Jose Antonio Estudillo and Jose Castro y Alvarez as members of the territorial deputation, with Santiago Estrada, Carlos Castro and Jose Perez as substitutes.<sup>1</sup>

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<sup>1</sup> Cal. Archives, D. S. P. S. Jose, IV, 574.

## CHAPTER VIII.

### FIGUEROA (CONTINUED).

THE most important event in Figueroa's time, and that which rendered his administration one of the most important in the history of the country, was the final secularization of the missions. It had always been intended that these religious establishments should be eventually transformed into civil or municipal corporations. The idea of their foundation was that they should serve not as an end, but merely as a means. It contemplated their existence only so long as might be necessary to convert, civilize and educate the Indians up to the point of qualification for citizenship.

The first great move towards secularization was a decree of the Spanish cortes of September 13, 1813, declaring that the Indian missions beyond seas, then in charge of the "regulars" as the friars of the great orders of the church were called, ought to be converted into ordinary parishes or curacies, and spiritual jurisdiction over them placed in the hands of the secular clergy. This, however, was a mere declaration; and no attempt was made by the Spanish government to carry it into effect. The second great move was the plan of secularization proposed by Echeandia in 1828 and adopted by the territorial deputation in July, 1830. That plan purported to be founded on the previous decree of the Spanish cortes and intended to carry it into practical operation. But owing to the supersession of Echeandia by Victoria and the complete change in the policy of the local government occasioned thereby, the plan miscarried and the attempt proved an entire failure. The third great move was a decree of the Mexican congress of August 17, 1833. It ordered that the government should proceed to secularize the missions of both the Californias; that each mission should constitute a parish to be

served by a curate or secular priest with an annual salary of from two thousand to twenty-five hundred dollars; that the mission churches with their ornaments should serve as parish churches and have each annually five hundred dollars for the maintenance of public worship; that of the other mission buildings, one with a tract of ground not exceeding two hundred varas square in extent should be appropriated for the residence of the curate and the others devoted to the uses of an ayuntamiento, schools and other public purposes; that an office, corresponding to that of the "vicario foráneo" or representative of the bishop of the diocese, should be established at Monterey with a salary of three thousand dollars and have jurisdiction over both territories; and that the government should provide for the gratuitous transportation to California of the new curates and from California of the missionaries—those who had taken the oaths to be enabled to return to their colleges or convents, and those who had refused them, to leave the republic. And in conclusion it was provided that the entire expense arising under the law and in its execution should be paid out of the product of the pious fund.<sup>1</sup>

The "pious fund of the Californias," as it was called, had started with the moneys raised in New Spain by Father Salvatierra in 1697. There was at that time contributed ten thousand dollars by the church of Nuestra Señora de los Dolores of Mexico; twenty thousand by Juan Cavallero y Ozio, and fifteen thousand by other persons. For every new mission that was founded there was a new contribution of at least ten thousand dollars as a fund for its maintenance; and besides these sums there were large donations, especially by the Marques de Villa Puente and his wife. These amounts being judiciously invested by the Jesuits in various ways, but especially in real estate, increased in value; and the result was that in the course of years the fund swelled to a very large aggregate. When the Jesuits were expelled in 1768, their rights of property were confiscated; and the pious fund was transferred, or at least its rents and income were appropriated, to the new missionaries, consisting when matters became arranged of the Franciscans in Alta California and the Dominicans in Lower California.

According to Duflot de Mofras, the revenues of the fund under

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<sup>1</sup> Cal. Archives, M. & C. II, 235, 236; D. S. P. Mon. II, 184.

the Spanish government amounted to about fifty thousand dollars a year and were applied, in accordance with the objects for which the trust had been created, to the support of the missions and the payment of salaries. From this it may be roughly estimated that the capital then amounted to about a million of dollars. But from 1811 to 1818, and afterwards from 1828 to 1831, the missionaries were not paid their salaries or furnished with supplies; but on the contrary they from time to time were obliged to furnish supplies to the government troops without remuneration. Counting the unpaid revenues for ten years and adding the value of supplies furnished and a sum of seventy-eight thousand dollars belonging to the fund, which had been forcibly seized by the Mexican government in 1827, would increase the total considerably over five hundred thousand more and make it amount to over a million and a half of dollars.

On May 25, 1832, congress ordered the properties belonging to the fund to be rented for a term not to exceed seven years and the proceeds to be deposited in the mint at the capital for the sole benefit of the Californian missions. It vested the administration of the property in a junta or commission of three persons, to be named by the government and subject to its control.<sup>1</sup> This in effect amounted to a recognition of the rights of the missions in the fund, or at least to a declaration that it should continue to be used for their exclusive benefit. But when in August, 1833, the decree of secularization passed and it was provided that the expenses of carrying that decree into operation should be paid out of it, a new theory was virtually adopted, amounting in substance to a declaration that the pious fund was public property and subject to disposition by the government for public purposes. It was but a step from this doctrine to confiscation and eventual spoliation.

The project of secularizing the California missions having thus been determined upon by the supreme government and an ample fund provided for expenses, it did not require long to carry the purpose into effect. In May, 1834, when the new territorial deputation met, Figueroa introduced the subject by declaring that the missions were intrenchments of monastic despotism and that a complete reformation of them was imperatively

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<sup>1</sup> Cal. Archives, S. G. S. P. VIII, 111, 112; D. S. P. Mon. I, 236; D. S. P. S. Jose, II, 481, 482.



demand. The supreme government, sincerely desirous as it had always been to ameliorate the condition of the unfortunate natives, had conferred upon his predecessors the necessary powers to secure for them the advantages of the independence of the country; but nothing had been accomplished. Echeandia had professed to carry out the dispositions of the government; but he had done so only in name. His policy, by imprudently exciting the Indians with ideas of liberty without securing for them the substance of liberty, had instead of producing favorable results only brought on symptoms of disorganization; and the country had been threatened with the most serious consequences. Under these circumstances, for the purpose of counteracting the results of Echeandia's policy and to make amends to afflicted humanity, he himself had projected and put in execution a plan of emancipation, which he thought calculated in the course of a few years to restore those unhappy beings to the enjoyment of their imprescriptible rights. This plan had been the establishment of Indian pueblos. Three municipalities of that character, known as San Dieguito, Las Flores and San Juan Capistrano, had been organized; and since their foundation they had progressed regularly and rapidly. Already in that short space of time they exhibited the great difference between Indians who were emancipated and enfranchised, and Indians who still remained neophytes. He therefore believed himself justified in predicting not only the preservation of the Indian race if properly emancipated, instead of the annihilation which was inevitable under the mission system, but also its elevation to the dignity of a free people. His plan, he went on to say, had merely been started; and he had intended to continue it and extend it, and, as he believed, with still greater and more favorable results. But a multitude of other occupations had interfered and the want of fit assistants had prevented his doing all that he had wished. The recent law, which ordered the secularization of the missions in their totality, had still further interfered with the plan he had formed. In view of all the facts—the actual condition of the Indians on the one hand and the law of secularization on the other—he was in doubt how to proceed. He had therefore deemed it proper to apply to the supreme government for further instructions;

but in the meanwhile, as he was anxious to comply in all respects with the law, he had resolved to submit the matter to the deputation and desired to be enlightened as to whether any immediate action ought to be taken, and, if so, what it should be.<sup>1</sup>

The deputation, instead of acting directly on the questions thus presented by Figueroa, referred them to a committee; and for the time there was no expression of opinion. But a few days afterwards, the same general subject came up again in the form of a petition preferred by Father Jose Lorenzo Quijas of the Mission Dolores, asking that the boundaries of the lands of that mission might be fixed. This elicited a discussion; and it then appeared to be the general opinion that nothing at all should be done without further instructions. The common understanding was that the supreme government intended to send a commission to carry secularization into effect and determine all questions relating to mission lands and property; and it was therefore deemed proper that all proceedings in California should be suspended. Figueroa himself took this view; but at the same time he very clearly expressed his opinion that since the passage of the law of August 17, 1833, the missions no longer existed except *de facto*. And not long subsequently, when a vote came to be taken, the deputation as a body expressly determined that the operation of the law of secularization was to extinguish the missions, and that consequently the petition of Father Quijas should be rejected and refused.<sup>2</sup>

On April 16, 1834, congress issued a new decree by the terms of which it ordered that all the missions in the republic should be secularized and converted into curacies, and that the limits of these curacies should be designated by the governors of the respective states.<sup>3</sup> Though it spoke of the governors of states and not of territories, it was understood to apply to California; and accordingly, upon it as a basis, instructions were issued to Figueroa to proceed. As soon as they reached Monterey, he and the deputation immediately went to work and at the session of July 31, 1834, adopted the plan upon which the secularization of the missions of Alta California was finally carried into effect.

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<sup>1</sup> Cal. Archives, L. R. II, 40, 41; D. S. P. Ben. Misc. II, 2080, 2081.

<sup>2</sup> Cal. Archives, L. R. II, 63-76; D. S. P. Ben. Misc. II, 2114.

<sup>3</sup> Cal. Archives, S. G. S. P. X, 47; D. S. P. S. Jose, II, 603; D. S. P. Mon. III, 1,

This plan provided that the political chief or governor should proceed, in accordance with the spirit of the law of August 17, 1833, and the instructions he had received to convert the missions into pueblos. The missionaries were to be relieved of the administration of the temporalities and confine themselves exclusively to the functions of the spiritual ministry until parishes could be formed and curates appointed. In the meanwhile the territorial government was to assume the administration of the temporalities and manage and distribute them among the neophytes according to a provisional reglamento or system of regulations, which the supreme government was to be asked to approve. Each head of a family, or male person over twenty years of age without a family, was to be entitled to receive of the common lands of the mission a cultivable lot, not more than four hundred varas nor less than one hundred varas square in extent. Each was to have the right of sufficient pasture for his cattle on the common grounds. Municipal lots should be set aside for each pueblo and at the proper time pueblo or town lands. One-half of all the cattle belonging to the missions, according to the latest returns of the missionaries, and one-half of all the farming implements and seed-grains were to be divided and distributed pro rata among the individuals entitled to fields for cultivation. The church of each mission was to remain a church and with its library, ornaments, vessels and furniture continue under the control of the missionary, who was to choose from among the mission buildings such as might be required for his residence. The remainder of the lands and other property of each mission was to be placed in charge of a major-domo named by the governor, and was to be held by him subject to the disposition of the supreme government; but out of the proceeds of such property were to be paid the salaries of the persons acting as curate and major-domo and other employees and the expenses of religious worship, police and public works. And in view of this disposition, it was directed that inventories should be prepared of all the properties of the missions, giving full information of their various kinds and amounts and of the debts owing by them and the credits due to them.

The plan further provided that the contemplated new pueblos should be organized in conformity with existing laws; that the

political chief should make regulations for the establishment of ayuntamientos, which were to have control of municipal affairs, and that the administration of justice should remain subject to the jurisdiction of the courts of first instance. Until further order, the emancipated Indians were to be required to perform in common the labors indispensably necessary for the cultivation of the fields, gardens and vineyards still held undivided, and also such personal services as might be necessary to assist the curates. No one was to be able to sell or encumber his land or property; and in case an owner died without heirs, his land was to revert to the nation. To carry these provisions into operation the political chief was authorized to name commissioners and give them such instructions as he might deem necessary; and in the meanwhile the missionaries were prohibited from slaughtering cattle, except such as might be necessary for the subsistence of the neophytes.<sup>1</sup>

The plan thus adopted by the deputation was issued by Figueroa on August 9, 1834; and he added to it a series of rules and regulations for carrying it into effect. He directed that the commissioners, immediately upon their appointment, should go to their respective missions; present their credentials to the missionaries, and proceed to make out complete inventories of all the properties, specifying churches, houses, shops, structures, furniture, utensils, implements, fruit-trees, shrubs, vines, vegetables, stock of all kinds and in fine property of every description. These inventories were to be kept from the knowledge of the missionaries. The Indians were to be informed that the missions were changed into pueblos; that they themselves were thenceforth to be under the government of the missionaries in spiritual matters only, and that the land and property to be assigned to each one was to belong to himself and to be maintained and controlled by himself, without depending on any other person. The distribution of lands was to take place immediately under the supervision of the commissioner, the missionary and a major-domo who was to be nominated by the commissioner and approved by the government; and at the same time the necessary implements of labor and seeds were to be distributed. It was further directed that the missionaries

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<sup>1</sup> Cal. Archives, L. R. II, 19-22.

should immediately cease to act as such, and that the neophyte children, both male and female, whom they kept locked up like lambs in a fold, should be delivered over to their fathers, who were to be instructed in their duties and obligations as parents. A settlement of more than twenty-five families at a distance from a mission was to be entitled to form a separate pueblo and have lands and property like the others; but, if the settlement was smaller, it should form a suburb and be attached to the nearest pueblo. And for the purpose of organizing the new pueblos as soon as possible, the commissioners were to report a census of each community in order to designate the number of municipal offices and cause elections to be held to fill them.<sup>1</sup>

If the missions as such ceased to exist as a matter of law on the passage of the secularization law of August 17, 1833, they may be said to have ceased to exist as a matter of fact on the promulgation of the foregoing plan and regulations of August 9, 1834. Figueroa immediately named commissioners, who in accordance with the plan and instructions proceeded to the various missions and began carrying out the new system. Inventories were drawn up and partial distributions of land and property made. The Indians were to all intents and purposes regarded as emancipated; the missionaries as superseded, and the missions as in effect transformed into Indian pueblos.

On November 3, the deputation at an extra session divided the territory into curacies, making two classes of them. San Diego and the Indian pueblo of San Dieguito; San Luis Rey, the Indian pueblo of Las Flores and the annexed populations; San Gabriel and Los Angeles; Santa Barbara including the populations of both the presidio and mission; San Carlos and Monterey; Santa Clara, San Jose and San Jose de Guadalupe; and San Francisco Solano, San Rafael and the colony to be located near Sonoma were, respectively, to constitute curacies of the first class. San Juan Capistrano, San Fernando, San Buenaventura, Santa Inez and La Purísima conjoined, San Luis Obispo, San Miguel, San Antonio, La Soledad, San Juan Bautista and Santa Cruz conjoined, and San Francisco de Asis together with the presidio of San Francisco, respectively, were to be of the second class. To the curacies of the first class was

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<sup>1</sup> Cal. Archives, M. & C. II, 363.

assigned an annual salary of fifteen hundred dollars and to those of the second class one thousand dollars. It was further resolved that Father Francisco Garcia Diego, the prefect of the Zacatecas missionaries, should take up his residence at the capital; that the bishop of the diocese at Sonora should be requested to confer upon him the full powers of vicario foráneo or episcopal representative, and that his annual salary should be three thousand dollars; that until further order the missionaries should act as curates; each curacy receive five hundred dollars annually for the current expenses of public worship; salaries be paid out of the properties of the extinguished missions; and the mission buildings be appropriated and the Indians render services as provided in the plan and regulations.<sup>1</sup>

Such were the principles and method adopted for secularization. Though it required some years to finish the ruin of the missionary establishments, this was the commencement of it. As for the Indian pueblos, which were to take their place, there was no success in any of them. Nor was any to have been expected. In other cases it has required hundreds of years to educate savages up to the point of making citizens, and many hundreds to make good citizens. The idea of at once transforming the idle, improvident and brutish natives of California into industrious, law-abiding and self-governing town-people was preposterous. Figueroa himself saw and acknowledged this truth. Though the law pronounced the Indians free, he recognized the fact that their unconditional liberty was equivalent to their perdition; and he therefore ordered them to be kept in a sort of qualified tutelage under the care and supervision of the major-domos; and he directed that in the meanwhile they should be instructed in the duties of citizenship.<sup>2</sup>

Pablo de la Portilla the commissioner of San Luis Rey, on December 20, 1834, wrote an account of the enfranchised Indians of that place, which furnished a fair exhibit of their condition throughout the territory. They had absolutely refused to obey orders. The season for sowing wheat had come on and he had prepared the necessary plows; but nothing had been done for the reason that the Indians had been unwilling to work. They said they had at length become a free nation; and to

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<sup>1</sup> Cal. Archives, L. R. II, 240-243.

<sup>2</sup> Cal. Archives, M. X, 579, 580; XI, 398, 399, 418-420, 477, 478.

prove it they left their houses and wandered off, abandoning the mission. He had sent various *alcaldes* to the sierra to endeavor by persuasion to induce them to return. But all in vain. They would listen to no reason, it was impossible to make them understand or appreciate the advantages of industry and obedience; nothing could change their obstinacy. They all with one voice cried out: "We are free. It is not our pleasure to obey. We do not choose to work!" It was plain, Portilla continued, that this state of affairs would have to be remedied and the Indians reduced to subordination; but he had no troops to do it with. The liberty which had been given to the young women had been a special cause of disorder; for they had gone off into the mountains, and the men spent their time in following them. They had taken nearly all the horses and mules, not leaving enough even for urgent requirements. The pastures were covered with the carcasses of cattle, which they had killed to steal their hides. In fine everything indicated the ruin of the country. From his knowledge of the Indians, gained by a residence and experience of fifteen years, he could foresee nothing but the most disastrous results from the policy adopted. The intentions of the government were doubtless praiseworthy. "Liberty throughout the world" ought to be the cry of every good citizen. But the Indians of California did not possess the qualifications for liberty; and it was necessary for their preservation that something should be done to protect them against themselves.<sup>1</sup>

Though Figueroa had thus prepared and passed through the deputation his plan of secularization, it was doubtful for a time whether he would himself carry it into operation. His health continued bad and his desire to be relieved from the office of political chief, upon which the execution of his plan in great part depended, did not diminish. In the meanwhile, when his letter of March 25, 1833, asking to be allowed to retire, reached Mexico, Gomez Farias then acting as president of the republic issued two orders; one, dated July 12, 1833, to the effect that Jose Maria Padres, the same individual who had made himself prominent in Echeandia's time, should proceed to California and relieve Figueroa of the military command in case he still con-

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<sup>1</sup> Cal. Archives, M. XI, 658-661.

tinued ill and insisted upon retiring;<sup>1</sup> and the other, dated two days afterwards, appointing Jose Maria Hjar to succeed to the office of political chief and also to act as director of a new scheme of colonization for Alta California, which had just been broached at the national capital.<sup>2</sup>

The colonization scheme, of which Hjar was thus appointed director, was the outcome of recent machinations of Padres. That active-brained projector, after the failure of the secularization plan of Echeandia of which he was said to have been the originator and moving spirit, had drifted back to Mexico. There he had delved and mined until he managed, when secularization was at length finally determined on, not indeed to place himself at the head of the movement but to throw himself into the current and advance far on the tide, whose flood as he supposed was to lead on to fortune. His object was still to get hold of the administration of the Californian missions; but his new plan was to do so, not as it had been before by attempting to manipulate secularization directly, but by means of a high-sounding colonization project to get close up to the management of affairs and attain the same purpose indirectly. He found in Hjar a congenial spirit and fit instrument for his project; and the two, in connection with a few others, originated and launched the colonization scheme of 1834, which they pretended was to settle Alta California with new blood and make it, what they claimed it ought to be, the garden spot of the republic.

As soon as the new appointments were announced, the projectors lost no time in commencing operations. Hjar immediately made arrangements to have a portion of his salary paid to his family, which remained at Guadalajara, and then proceeded to collect colonists. His first proposition was to take with him for a start six school teachers and six families of five persons each;<sup>3</sup> but, as the government undertook to give the colonists a free passage, maintenance during the voyage and half a dollar per day until their arrival in California, the number soon swelled to about a hundred and thirty. They consisted almost exclusively of the vagabond class; were idle, thriftless and vicious; not much if any superior to the convicts with which California

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<sup>1</sup> Cal. Archives, D. S. P. Ben. C. & T. II, 616, 617.

<sup>2</sup> Cal. Archives, M. & C. II, 260, 262.

<sup>3</sup> Cal. Archives, D. S. P. Ben. C. & T. II, 587-591.



had already been repeatedly cursed. At the same time Padres, who besides his prospective office of comandante-general had procured that of sub-director of colonization, collected another body of colonists of much the same class and character and about the same in number as those of Hijar. Neither of them found any difficulty in gathering their crews. In getting up their scheme they had christened and published it under the name of the "Cosmopolitan Company;" and they induced their followers to believe that they were about to be led to assured and easy prosperity. But those, who were most intimately initiated into the enterprise, well knew that it contemplated the secularization of the missions and the administration of their properties as the only field in which profit was to be made and fortunes won; and that these, and not colonization, were the real objects at which both Hijar and Padres were aiming. It was not long before the supreme government itself became aware that this was the case; and as soon as it did so, it sent off orders to prevent their voyage; but Hijar and Padres managed to evade them and hurried away. They sailed from San Blas in July, 1834. Hijar and his company embarked on board the brig *Natalia* and arrived at San Diego on September 1. Padres and his company sailed on the *Morelos* and arrived at Monterey on September 15.<sup>1</sup>

Figueroa, meanwhile, had been informed of the appointment of Hijar to relieve him and was anxious for his arrival. On May 13, 1834, he wrote that he was only waiting for him to come to deliver over the management of affairs, and that he was profoundly thankful to the supreme government for responding to his prayer to be released and for its expressions of commendation of the manner in which he had conducted his administration. Though he could not flatter himself that he had accomplished the best that might have been done, he still had the satisfaction of knowing that he had re-established order and tranquillity and that he had not spared himself in his endeavors to do his duty to his country.<sup>2</sup> He then began preparing for the reception of his successor and, as a preliminary, proceeded on a journey to the north of the bay of San Francisco for the purpose

<sup>1</sup> Cal. Archives, D. S. P. III, 702; Robinson, 161-163; Forbes, 142-144; Osio MS.

<sup>2</sup> Cal. Archives, D. S. P. III, 593, 594.

of selecting a place of settlement for the coming colonists. There his choice fell upon the beautiful valley of Sonoma; and, after fixing upon it, he set out on his return with the lively prospect of soon being on his way to Mexico. But on his way back to Monterey he was unexpectedly met by a special courier, who had just arrived from the national capital with express and positive orders that he should retain the government and on no account deliver it over to Hajar.

It appeared from the papers carried by the courier, and from the courier's own statements, that about the time of Hajar's hasty departure from San Blas, Santa Anna had assumed his seat as president of the republic in place of the acting vice-president Gomez Farias. It was he that had attempted to prevent Hajar's voyage; but had failed, as has been seen. Santa Anna, however, was not a man to be balked by so vulgar a schemer as Hajar. He immediately selected a courier whom he knew and in whom he could trust and sent him off overland with the orders above mentioned, instructing him to proceed with extraordinary dispatch and promising him a reward of three thousand dollars if he succeeded in his mission. It was a question whether the new orders could reach Monterey in time to prevent the contemplated transfer. As a matter of fact, the courier was detained at the Colorado and robbed of his horse and most of his clothing by the Indians. He was obliged to travel across the desert from that river to the neighborhood of San Luis Rey on foot and came near perishing with hunger and thirst. But with extraordinary energy and persistence, traveling by night, guiding himself by the stars and sustaining life on a wild fruit resembling a currant which grows in the sands, he managed to reach the settlements and thence hastened on to the successful accomplishment of his purpose. He had made the trip from Mexico to Monterey in forty-five days.<sup>1</sup>

Though Figueroa may have considered the country tranquil, and so represented it in his reports, there was a strong undercurrent of revolutionary feeling in various quarters. The old missionaries in particular, notwithstanding they professed obedience to the government, were very much dissatisfied with its action in reference to the missions and the Indians. Besides

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<sup>1</sup> Forbes, 144; Robinson, 161, 162; Osio MS.

this source of discontent, there were and for some time had been rumors of a convention among the cabinets of Europe to destroy independence, re-establish the Mexican empire and place the Spanish infante Francisco de Paula upon the imperial throne.<sup>1</sup> Towards the end of May, 1834, there were rumors of a conspiracy in the Spanish or anti-federal interest at San Gabriel; and it was said that Father Duran the president of the missions, Father Tomas Estenaga, Captain Jose Antonio de la Guerra y Noriega and Sergeant Jose Antonio Pico were involved in it. The matter being brought before the deputation in extraordinary session, Figueroa was authorized to take measures to prevent disorder and, if necessary, arrest and imprison the conspirators.<sup>2</sup> He immediately sent off orders to Lieutenant-colonel Nicolas Gutierrez, then at San Gabriel, to collect such soldiers as could be got together; watch the suspected persons; seize them upon any appearance of treason, and promptly repress any disturbance.<sup>3</sup> A few months afterwards, when he came to ascertain the facts, he acquitted Father Duran and Captain De la Guerra y Noriega of all suspicion.<sup>4</sup> But that there was disorder in the air and revolutionary feelings rife, there could be no doubt.

When Hajar and his colonists arrived at San Diego in September, they disembarked and soon afterwards proceeded to San Gabriel. There, having in the meanwhile learned the latest orders from Mexico, they began making common cause with the disaffected and manifested revolutionary tendencies. They stirred up the Indians, and by the middle of October an outbreak seemed imminent. An engagement in fact took place near San Bernardino between two hundred armed Indians and a small body of troops under Ensign Jose Maria Ramirez.<sup>5</sup> The exigency was so pressing that a mass meeting of citizens was called at San Gabriel to concert measures against the revolutionists.<sup>6</sup> At the same time Figueroa issued confidential instructions to Nicolas Gutierrez, Juan Rocha, Pablo de la Portilla and various

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<sup>1</sup> Cal. Archives, L. R. II, 2, 483, 484.

<sup>2</sup> Cal. Archives, L. R. II, 3-10.

<sup>3</sup> Cal. Archives, D. S. P. III, 603-615.

<sup>4</sup> Cal. Archives, D. S. P. III, 692-694; D. S. P. Ben. LXXVIII, 635-701.

<sup>5</sup> Cal. Archives, D. S. P. III, 725-729.

<sup>6</sup> Cal. Archives, D. S. P. III, 712, 713.

other prominent men to disabuse the minds of the Indians, if possible, and convince them that the government had no intention of depriving them of their interests, but on the contrary would secure them fully in their independence, their lands and their goods. He further instructed them to announce and make known that none of the colonists would be allowed to settle in the Indian pueblos, but should all go to the place selected for them to the north of San Francisco.<sup>1</sup> He also instructed the *alcaldes* of Los Angeles and Santa Barbara to act in concert with Gutierrez in preventing disorder and quelling disturbance.<sup>2</sup>

In response to these instructions, Gutierrez reported that when he had been informed of the rising of the Indians at San Bernardino, he had requested Father Estenaga and Lieutenant Buenaventura Araujo, one of Hijar's officers, to go out and endeavor to pacify and induce them to return to their *rancherias*, that the Indians manifested great hostility to Estenaga; that they took him prisoner, robbed him and were only with difficulty induced to release him, and that they professed to have risen at the instance of Araujo. Gutierrez further reported that he had then collected a few troops and sent them to San Bernardino under Ramirez, who however on account of the persistent hostility of the Indians had been obliged to retire, and that under the circumstances he had deemed it proper to peremptorily order Araujo to the capital to give an account of his conduct.<sup>3</sup> A few days afterwards he reported further that he had collected more troops to proceed against the Indians; but that the latter, after having committed a number of robberies and among other things stolen the ornaments of the chapel at San Bernardino, had retired into the mountains beyond San Gorgonio.<sup>4</sup>

In the meanwhile, as soon as information of the disturbances at San Gabriel reached Monterey, the territorial deputation convened and took decided action in reference to Hijar and his colonists. Figueroa presented the recent orders he had received from Mexico and again expressed himself as desirous of being relieved but at the same time willing, as a good subject, to obey

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<sup>1</sup> Cal. Archives, D. S. P. III, 714, 715.

<sup>2</sup> Cal. Archives, D. S. P. III, 720-722; D. S. P. Ang. XI, 173.

<sup>3</sup> Cal. Archives, D. S. P. III, 723-742.

<sup>4</sup> Cal. Archives, D. S. P. III, 758-761.

the commands of his superiors.<sup>1</sup> In reply, the deputation on October 12 determined: first, that in accordance with the orders of the supreme government of July 25, 1834, Hjar should not be permitted to assume the office of political chief but that Figueroa should continue to fill it; secondly, that if Hjar desired to perform the duties of director of colonization in subjection to the political government of the territory, he might do so; thirdly, that Hjar should exercise no authority in reference to the secularization of the missions or the disposition of their properties; fourthly, that until otherwise ordered, the plan and provisional regulations for secularization of July 31, 1834, should be carried out and the Indians placed in possession of their lands and other property; and fifthly, that out of the mission properties, each contributing its pro rata share, the political chief should furnish to the new colonists, as soon as they should arrive at their place of destination, such farming implements and supplies as might be necessary. But under all circumstances, the director of colonization was to be subject to the political chief and render to him circumstantial reports and itemized accounts of everything relating to his office and its administration; and the lands of the missions were to be regarded as the property of the Indians only, and no colony was to be established upon them. It further resolved that the supreme government should be asked to approve the action of the deputation and to provide for a separation of the political and military commands of the territory, and that the proceedings of the meeting should be published and circulated for the information of the public.<sup>2</sup>

On November 3, at the same session that the act dividing the territory into curacies was passed, the deputation ordered an ayuntamiento to be established in the new pueblo to be formed in the neighborhood of Sonoma by the colony led by Hjar and Padres and that such pueblo should be recognized as the head of the district including San Rafael and San Francisco Solano.<sup>3</sup> Shortly afterwards, Hjar, finding that he had been circumvented in his schemes of administering the mission properties and that the political command of the territory was beyond his grasp,

<sup>1</sup> Cal. Archives, L. R. II, 228-232; D. S. P. Mon. VI, 305-313; D. S. P. Ang. XI, 160-166; D. S. P. S. Jose, IV, 663-671.

<sup>2</sup> Cal. Archives, L. R. II, 22-30.

<sup>3</sup> Cal. Archives, L. R. II, 243, 244.

consented to be satisfied with the office of director of colonization alone.<sup>1</sup> He and Padres then directed their attention to their colonists. Temporary supplies had already been furnished.<sup>2</sup> On November 12, Figueroa issued a circular to the commissioners of all the missions from San Miguel northward excepting San Carlos, directing them to furnish supplies for one year together with the necessary horses, tools and seeds, and to hasten forward the colonists themselves as rapidly as possible, by the way of San Francisco and the Straits of Carquinez, to their destination.<sup>3</sup> Under these instructions, a number of the colonists and Padres with them passed over to Sonoma, while Hijar stationed himself at San Francisco. There was much passing to and fro during the winter. If the colonists had been fit persons to found a rural community, they might have done something on their own account; but, being totally ignorant of agriculture, they could not make a start. In the spring of 1835 no particular spot had as yet been fixed upon as the location of the settlement and pueblo.<sup>4</sup> It seems that a spot called Potiquiyomí on Mark West creek near Santa Rosa was to be the place and that it was thereafter, in honor of the president and vice-president of the republic, to bear the name of "Santa Anna y Farias." But before even a fair beginning of the proposed new foundation was made, a new conspiracy in which both Hijar and Padres were involved was unearthed; and the result was the speedy collapse and destruction of their colony, their company and their colonization scheme.

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<sup>1</sup> Cal. Archives, D. S. P. Ben. C. & T. III, 196, 197.

<sup>2</sup> Cal. Archives, D. S. P. Ben. C. & T. III, 332-335.

<sup>3</sup> Cal. Archives, D. S. P. III, 752-754.

<sup>4</sup> Cal. Archives, D. S. P. IV, 17, 18.

## CHAPTER IX.

### FIGUEROA (CONTINUED).

THERE were, in and about the pueblo of Los Angeles, at the beginning of 1835, a number of vagabond Sonorians who had little or no occupation except gambling. It was amongst these that the next conspiracy made its appearance. The chief local leaders were Francisco Torres a physician, who had come to the country as a colonist with Hjar, and Antonio Apalategui a Spanish adventurer, who had also drifted into the country from Sonora. They made no great secret of their project, which was in substance to oust Figueroa from the government, put Hjar in his place and take possession of the administration of the missions; in other words, to accomplish the object for which Hjar had come to California. It was entirely in Hjar's interest, and undoubtedly at Hjar's suggestion and with a promise from him of preferment, that they thus attempted to renew the contest in which he himself had been defeated.

Lieutenant-colonel Nicolas Gutierrez was at the time quartered at San Gabriel with the Mazatlan troops. He was aware of the conspiracy, but had instructions not to interfere until some overt act should be committed or other circumstances make it necessary. On March 3, he wrote to Figueroa an account of what was going on and of the measures he was prepared to take when the exigency should require him to act.<sup>1</sup> On the night of March 6, the principal conspirators met at the rancho of Los Nietos and drew up a pronunciamiento or plan of revolution which the next day they published at Los Angeles, expecting a large voluntary following and at the same time offering to pay liberally all who would join their ranks. But they were entirely mistaken in their calculations in respect to

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<sup>1</sup> Cal. Archives, D. S. P. IV, 14-16.

the Californians. Only one individual, a drunken vagabond, presented himself to the Sonorian crowd; and even he, as soon as his fit of intoxication passed off, began making inquiries for the rascal who had induced him to mix with such a "canaille," and soon went off in disgust. This was a sufficiently bad commencement for the conspiracy; but matters rapidly grew worse. In the afternoon of the same day, the Sonorian crowd, seeing that their attempt must in the nature of things prove a failure, began clamoring for the pay that had been promised them; and as it was not forthcoming they seized their leaders, bound them and haled them before the ayuntamiento, which in the meanwhile had convened in extraordinary session for the purpose of taking measures to preserve the public peace. Torres and Apalategui were immediately handcuffed and thrown into prison and soon afterwards removed and placed in charge of Gutierrez at San Gabriel, while information was hurried off to the capital of what had taken place.<sup>1</sup>

Figueroa was at San Juan Bautista when the news arrived. He immediately issued a proclamation, assuring the public that the threatened danger had passed.<sup>2</sup> At the same time, knowing as he did that Hajar and Padres were the real promoters of the conspiracy, he suspended them in their offices of directors of colonization. He also ordered the seizure of the arms and munitions which had been furnished to the colonists under charge of Padres at Sonoma, and the immediate arrest of Francisco Berdusco and Romualdo Lara, who were at the head of a rebellious movement ready to burst forth at that place. In accordance with these orders, most of the arms and munitions were seized and secured; and Berdusco, Lara and their confederates were arrested, placed on board a small vessel called the *Rosa* and sent off to Monterey for such disposition as the government might deem proper.<sup>3</sup> About the same time, Pio Pico at Los Angeles, representing the general feeling of the better class of people in that region, wrote to Figueroa, demanding that he should take the necessary measures to save the country from any further mischief from Hajar and Padres, as men who had shown themselves to be entirely unworthy of trust or confidence

<sup>1</sup> Cal. Archives, D. S. P. Ben. Misc. V, 623-696; Osio MS.

<sup>2</sup> Cal. Archives, D. S. P. IV, 19-22; D. S. P. S. Jose, IV, 712-714.

<sup>3</sup> Cal. Archives, D. S. P. Ben. Misc. II, 426-435, 469-474.



and who, instead of being protectors of the Californias as they professed, were only disturbers of the public peace and dispensers of the malignant venom with which their evil hearts were filled.<sup>1</sup>

The great patience, which Figueroa had hitherto exhibited, had at length ceased to be a virtue. Placing himself at the head of about seventy men, he marched to Los Angeles and immediately proceeded to make arrangements for shipping Hijar, Padres and the other conspirators out of the territory; and at the same time he ordered a "sumária" or statement of charges against them to be prepared. It did not take long to complete the business. The measure was determined on, and there was no opening for further negotiation or compromise and no use of resistance. All that was wanted was a ship to carry the accused and their dependents. An attempt was made to engage Frederick Becher, owner of the brig Catalina; but he declined the service. Application was then made to A. B. Thompson, agent of the American brig Lorient; and on April 11 a satisfactory contract was entered into with him. By its terms the Lorient was to take on board, either at Santa Barbara or San Pedro and by the end of the month, the persons of Jose Maria Hijar and Jose Maria Padres with their households, Francisco Torres, Antonio Apalategui, Francisco Berdusco, Romualdo Lara, Mariano Bonilla, Buenaventura Araujo and some others whom Figueroa would name; furnish them with proper food and accommodation, and transport them to San Blas in consideration of the sum of four thousand dollars to be paid upon the return of the vessel. As soon as the contract was concluded, directions were sent to Monterey for the Rosa to bring down without delay those of the conspirators who were there; and on April 16 it arrived at Santa Barbara with Hijar, Padres, Berdusco, Lara and others, who were immediately transferred to the Lorient which was waiting for them at that place. The brig then proceeded to San Pedro, where Torres and Apalategui and others were put on board; and it then, on or about May 5, sailed for San Blas.<sup>2</sup>

In a letter of June 22, Figueroa explained the plan of the conspirators. It was based upon the project of a rising at sev-

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<sup>1</sup> Cal. Archives, D. S. P. IV, 42.

<sup>2</sup> Cal. Archives, D. S. P. IV, 46-81.

eral different places about the same time and thereby distracting the attention of the government. If the rising at Los Angeles had been in any respect successful, it would have been immediately followed by a similar rising at Sonoma. But the failure at Los Angeles and the prompt seizure of the arms at Sonoma had effectually prevented any demonstration at the latter place. At the same time, Figueroa wrote that the natural consequence of these events had been to destroy the scheme of colonization or at least that portion of it, which contemplated the foundation of a new pueblo at Santa Rosa with the colonists brought to the country by Hjar and Padres, and that he had therefore resolved to distribute such of the colonists as still remained in the territory among the other populations.<sup>1</sup> It was, however, by no means intended to abandon the purpose of founding a new establishment to the north of San Francisco bay as a barrier against the Russians and Americans. Two days afterwards, Figueroa addressed a letter to Vallejo who in the meanwhile had been named military commander and director of colonization of the northern frontier, instructing him to found a pueblo in Sonoma valley instead of at Santa Rosa. And for the purpose of enabling him to collect the necessary settlers, he authorized him to select families in any part of the republic according to his discretion, and to make provisional grants of land to them in the new establishment which should on proper application be confirmed by the territorial government.<sup>2</sup>

It was in this same year 1835, and at the instance and by the direction of Figueroa, that the village of Yerba Buena, which afterwards expanded into the city of San Francisco, was founded. The name Yerba Buena, which signifies good or sweet herb and applies to a small aromatic plant or vine which grows in the neighborhood, was used to designate the northeasterly extremity of the San Francisco peninsula including Black Point on the north and Rincon Point on the south. The place was known by that name from very early times. Diego de Borica spoke of it in 1797 and mentioned the construction of a battery there,<sup>3</sup> which was built at Black Point. This military work was afterwards often mentioned in the old official papers relating to

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<sup>1</sup> Cal. Archives, D. S. P. IV, 109-115.

<sup>2</sup> Cal. Archives, M. & C. II, 686-692.

<sup>3</sup> Cal. Archives, P. R. IV, 187.

San Francisco; and much care was taken to repair and keep it up as one of the defenses of the bay.

What was originally known as San Francisco was the presidio or military establishment on the small semicircular plain flanked by hills, immediately to the right as one sails in from the ocean through the Golden Gate. It was three or four miles west of Yerba Buena. The main anchorage for merchant and other vessels was in front of the presidio, except that whalers were accustomed to lie at Saucelito to the left as one enters through the Golden Gate, where there was wood and the most delicious fresh water in abundance. The anchorage at the presidio was exposed and at certain seasons dangerous; and about the year 1824 vessels began to prefer the more sheltered and better holding ground of Yerba Buena. In January, 1834, Figueroa wrote to the comandante of San Francisco that frequent complaints had been made of the insecurity of the anchorage at the presidio; that the captain of the Russian brig *Polyphehus* among others asked to be permitted to lie at Yerba Buena; that from what he had heard he believed the latter to be the safer and better place of the two, and that, therefore, until further orders vessels should be allowed to anchor there, care being taken to prevent contraband trade.<sup>1</sup>

The original condition of the place was well described by Alfred Robinson. The vessel, in which he came to the country in 1829, anchored in the cove between North Point and Rincon Point, afterwards specially known as Yerba Buena cove. He and several others landed at North Point for the purpose of making a visit to Santa Clara. They found horses from the neighboring mission ready for them at the beach in charge of a vaquero, who was to act as guide. They mounted and started off, but soon found themselves in a dense thicket, where the trail was narrow and the trees and bushes on both sides so intermingled their branches above them as to endanger their heads as they rode along. And thus they proceeded, sometimes crossing little valleys where the coyote prowled, and sometimes rising sandy eminences where a glimpse was caught of the neighboring bay. Through the woods resounded the howl of the wolf; and the heavy track of the grizzly bear lay printed in their course. At

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<sup>1</sup> Cal. Archives, D. S. P. III, 560.

length after a circuitous ride of several miles, they saw through an opening in the thicket the Mission Dolores—its dark-tiled roofs and dilapidated walls well comporting with what appeared to them the bleak and cheerless scenery by which it was surrounded.<sup>1</sup>

In May, 1835, Figueroa, who was then at San Gabriel, met William A. Richardson there; informed him that he had resolved to lay out a settlement for the convenience of public officers at the anchorage of Yerba Buena and offered, if Richardson would settle there, to make him captain of the port. He was induced to do so on account of a memorial in favor of the place, which had been written by Richardson in 1828. Richardson, who had married and settled and become naturalized in the country, consented; and a few days afterwards, in company with Figueroa, he and his family set off on the journey northward. At Soledad, Figueroa turned off for Monterey, while Richardson and his family continued on to Yerba Buena, where they arrived in June. In August, Richardson was called by a message from Figueroa to Monterey; but, upon his arrival there in September, he found that Figueroa was dead. Jose Castro, the "primer vocal" or first member of the deputation, informed him, however, that Figueroa had before his death made arrangements for the laying out of the new village and that he, as captain of the port, was to select a lot for his habitation. The only restriction upon his choice was that his location was not to be within two hundred varas of the beach, all that space being reserved for public purposes. Richardson answered that he had left his family alone in a tent on the site of the proposed settlement and was anxious to get back as soon as possible, to which Castro replied that he might return at once and that orders for laying out the village would be sent after him.

Soon afterwards Francisco de Haro, alcalde of San Francisco residing at the Mission Dolores, received orders to lay out the village of Yerba Buena at the cove. He proceeded to do so in the latter part of October by marking upon the ground a single street, called "*La Calle de la Fundacion*" or the foundation street. It ran from a point near the present corner of Kearny and Pine streets in a direction a little west of north towards North Beach. By his instruction, Richardson made a rough map

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<sup>1</sup> Robinson, 7.

of the location and selected his building lot one hundred varas square, commencing on the westerly side of the street four hundred varas from where it started and at a point about what is now the middle of Dupont street between Clay and Washington streets; and there he fixed his residence—a tent rather than a house or a little of both—which was the first erected at Yerba Buena and the commencement, so to speak, of the future city.<sup>1</sup>

It is to be borne in mind, however, when speaking of Yerba Buena as the commencement of the city of San Francisco, that there already existed and had existed since 1776, two settlements which were afterwards, as the city expanded, included within its limits. One was the mission; the other the presidio. It is also to be borne in mind that by the operation of the secularization laws, the mission had in 1834 become converted into an Indian pueblo. This was known, and recognized by the territorial deputation, as the "Pueblo de Dolores,"<sup>2</sup> though it did not long retain the name and can hardly be said to have ever been organized as such. According to the plan of secularization, it would have been regularly entitled to an ayuntamiento; but the deputation on November 3, 1834, ordered the ayuntamiento to be established at the presidio.<sup>3</sup> When, therefore, Yerba Buena was laid out in 1835, there was a so-called pueblo at the mission, and an ayuntamiento at the presidio of which Francisco de Haro was alcalde or first magistrate. It does not appear that any lands were ever regularly assigned to the so-called pueblo. But there were various recognitions by the deputation of its rights to lands. In July, 1835, a petition by Jose Joaquin Estudillo for a grant of a lot at Yerba Buena was referred by De Haro as alcalde to Figueroa; and he replied that the ayuntamiento had no power to make grants at Yerba Buena.<sup>4</sup> In September, however, it was decreed by the deputation that the ayuntamiento might grant a building-lot to Estudillo, provided it was not within two hundred varas of the beach, and that other persons might obtain grants of the same kind and establish themselves there.<sup>5</sup> A few days afterwards the

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<sup>1</sup> United States vs. Limantour, Transcript in Case No. 548, 21-30, 132.

<sup>2</sup> Cal. Archives, L. R. II, 287, 288.

<sup>3</sup> Cal. Archives, L. R. II, 244, 245.

<sup>4</sup> Cal. Archives, D. S. P. Ben. P. & J. VI, 122, 123.

<sup>5</sup> Cal. Archives, L. R. II, 284, 285.

deputation, in approving a grant to Jose Antonio Galindo of the rancho "Laguna de la Merced," which was the first ranch granted under the colonization laws on the peninsula of San Francisco, did so on the express condition that the grant should not prejudice the common lands of the "Pueblo de Dolores."<sup>1</sup>

Figueroa was not only thus entitled to be called the founder of Yerba Buena, the village which grew into the city of San Francisco, as well as of Sonoma; but he may also be said to have been the founder of the *ayuntamiento* system of municipal government in the territory. There were a few *ayuntamiento* and municipal regulations before his time, as at Los Angeles, San Jose and a few other places; but he so greatly improved and perfected the system, or at least put it in so much greater practical operation than it had been in before, as to make it almost entirely his own. In August, 1834, at his instance, the deputation passed several acts in reference to the subject. By one of these, it was ordered that a constitutional *ayuntamiento* should be established at San Diego and one at Santa Barbara, and that those at Los Angeles and Monterey should be increased by the addition of new officers. The members of these bodies consisted of an *alcalde* or magistrate and in various cases of two or three; of two or more "*regidores*" or councilmen, and of a "*sindico procurador*," who acted in a sort of ministerial capacity as prosecutor, sheriff and tax-collector.<sup>2</sup> By another act provision was made for municipal funds. The *ayuntamiento* of each pueblo was to solicit the assignment to such pueblo of public land. Some of this, called "*propios*," was to be leased and the rents paid into the treasury, and some to be held as "*ejidos*" or commons. Upon the concession of a building lot, the grantee was to pay a fee at the rate of six dollars and a quarter for a hundred varas square. Taxes were to be imposed for the privilege of using a branding iron, for auctioneering, for butchering, for otter and beaver skins, for every store or shop, for ropedancing, comedy and puppet shows, and for billiard saloons. In the ports of San Francisco, Monterey, Santa Barbara, San Pedro and San Diego, each package landed for commercial purposes was to pay a municipal duty; and additional taxes were imposed on imported liquors. In Monterey a voluntary contribu-

<sup>1</sup> Cal. Archives, L. R. II, 287, 288.

<sup>2</sup> Cal. Archives, L. R. II, 462-469; D. S. P. Ang. XI, 153.

tion was to be asked of every vessel anchoring there, for the purpose of building a wharf. There were many other provisions but such were the main ones.<sup>1</sup>

Besides these special acts relating to ayuntamientos, the plan of secularization which converted every mission into a pueblo contemplated the establishment of an ayuntamiento in each. Figueroa did not live to complete the work of organizing them all; but he made a start and put the system in operation. In October, 1834, he issued orders for the erection of one of these bodies at Santa Cruz, which in his honor received the name of the "Pueblo de Figueroa." This new pueblo adjoined the villa of Branciforte but was distinct from it, though both were united for the purpose of forming one parish or curacy.<sup>2</sup> Soon afterwards Branciforte applied for an ayuntamiento on its own behalf; but it was refused on the ground that the place did not contain inhabitants enough.<sup>3</sup> About the same time with that of Figueroa or Santa Cruz, there was a similar ayuntamiento established at San Luis Rey, which in its new state included within its jurisdiction the old Indian pueblo of Las Flores and the Indian settlement called Pala;<sup>4</sup> also one at San Rafael,<sup>5</sup> and another at San Antonio.<sup>6</sup>

Meanwhile the work of secularization was going on. It furnished a rich harvest for those engaged in it. No charge of corruption or unlawful gain was made or could have been sustained against Figueroa himself; and there may have been a few others engaged in the work equally clear of offense; but the great mass of the commissioners and other officials, whose duty it became to administer the properties of the missions and especially their great numbers of horses, cattle, sheep and other animals, thought of little else and accomplished little else than enriching themselves. It cannot be said that the spoliation was immediate; but it was certainly very rapid. A few years sufficed to strip the establishments of everything of value and leave the

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<sup>1</sup> Cal. Archives, M. & C. II, 538; D. S. P. Mon. III, 105; L. R. II, 142, 152, 153, 202, 204.

<sup>2</sup> Cal. Archives, M. IX, 633, 638.

<sup>3</sup> Cal. Archives, M. & C. II, 624.

<sup>4</sup> Cal. Archives, M. X, 76.

<sup>5</sup> Cal. Archives, M. X, 415.

<sup>6</sup> Cal. Archives, M. XI, 450, 451.

Indians, who were in contemplation of law the beneficiaries of secularization, a shivering crowd of naked and, so to speak, homeless wanderers upon the face of the earth.

The missions were in their most flourishing temporal condition a year or two before they were secularized. They had been growing and increasing for from forty to sixty years. At the beginning of 1834 they contained upwards of thirty thousand neophytes, whom they held in subjection and whose labor tilled their fields, herded their flocks and augmented the value of their possessions and properties in all directions. They had upwards of four hundred and twenty thousand cattle, over sixty thousand horses and mules, over three hundred and twenty thousand sheep, goats and hogs; and raised annually over one hundred and twenty thousand "fanegas," or near double that number of bushels, of wheat, maize, beans and the like.<sup>1</sup> The numbers were about twice as large as they had been in 1831.<sup>2</sup> They slaughtered in 1834 about one hundred thousand cattle, about twice as many as usual, whose hides yielded two dollars each and tallow three or four times as much, making their income that year over a million of dollars in value, though the usual income was much smaller in amount.<sup>3</sup> All of them had orchards, vineyards and gardens, though those of San Francisco, San Rafael and San Francisco Solano were inconsiderable, many of them had orange and fig trees; some had palms, olives, and bananas; and in some a little hemp, flax, cotton and tobacco was cultivated.<sup>4</sup>

As soon as it became certain that secularization was to take place, the missionaries themselves commenced the work of destruction. Some of them sold off what property they were able to dispose of, and others ordered the slaughter of their cattle for the sake of the hides alone. Thus at San Luis Obispo a sale was effected and the proceeds, which consisted of over twenty thousand dollars worth of cotton, silk and woolen goods, were distributed among the Indians. At San Gabriel the cattle were all slaughtered. This latter was by far the richest mission in the territory. Its cattle numbered over a hundred thousand.

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<sup>1</sup> Duflot de Mofras, I, 320.

<sup>2</sup> Forbes, 260, 266.

<sup>3</sup> Forbes, 283.

<sup>4</sup> Duflot de Mofras, I, 486; Dwinelle, 44.



They were killed where they were found, in the valleys or on the hills; the hides taken off, and the carcasses left to rot. The spectacle presented was horrible. Some of the valleys were entirely covered with putrescent masses; and for years the country in the neighborhood was white with skeletons. In some places the skulls and large bones were so plentiful that long fences were built of them. And the slaughter was so complete that afterwards, when a new missionary was sent to take charge of the spiritual concerns of the establishment, he was obliged to depend upon the alms of a neighboring ranchero for meat.<sup>1</sup>

When the plan of secularization was issued and commissioners appointed to carry it out, one of their first duties was to make out inventories of the properties of their respective missions. These inventories included descriptions of the churches and all the buildings, the church ornaments, images, pictures, vestments, furniture, libraries, musical instruments, bells and in fine everything connected with the ecclesiastical service. They then passed to what was contained in the missionary's house, the kitchen, the warehouses, the tannery, the carpenter shop, the blacksmith shop, the shoemaker shop, the mill, the tile-kiln and so on; then to the gardens, orchards, and vineyards; then to the domestic animals of all kinds, whether at the mission or at other points within its jurisdiction—so as to embrace a complete synoptical account of all the property belonging to the establishment. Thus in the inventory of the Mission Dolores, made in July, 1835, by and under the supervision of Ignacio del Valle as commissioner, every article however small and inconsiderable was noted down and a value put upon it with all the particularity of a merchant's invoice. The itemizing was so minute that in the description of a little launch belonging to the mission, the inventory, after mentioning its sails, oars, anchors, and so on, proceeded to particularize its water-barrel and a wooden slab used for a gang-plank. The footing up of the property of the establishment showed a valuation of a little over sixty-seven thousand dollars and a debt of some seven thousand.<sup>2</sup>

It next became the duty of the commissioners to administer the properties which they had thus inventoried. Each of the missions, as has been stated, was supposed to be converted into

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<sup>1</sup> Osio MS.

<sup>2</sup> Cal. Archives, M. VI, 689-735.

an Indian pueblo; that of San Francisco de Asis, for instance, became and in September, 1835, was recognized by the territorial deputation as the "Pueblo de Dolores;"<sup>1</sup> and to the Indians of each of these so-called pueblos a certain amount of the mission properties was distributed. But it soon became apparent that what was thus appropriated was as good as wasted. Another certain part of the properties was, according to the regulations, to be sold and the proceeds applied in various ways. The remainder was to be husbanded in trust for the new establishments, which were to furnish the country with a race of Indian citizens. The theory of the arrangement was, perhaps, good enough as theory, but it was unfortunately entirely impracticable. Not one of the Indian pueblos was or could in the nature of things be a success; and the mission properties, instead of being applied for any length of time for their benefit or the advantage of the Indians, soon began to find their way into the hands of private individuals; and the commissioners and officials in general began to grow rich.

The *gente de razon* were all, generally speaking, more or less interested in the administration, such as it was, of the mission properties. If not interested directly, they were interested indirectly. If they derived no personal advantage to themselves, their relatives or friends did. The Indians were an ignorant race incapable of asserting their rights; they therefore had no voice; nor were they provident enough to regard the future or the future of their children. Under these circumstances, the commissioners could act very much as they pleased; and there was no one to complain or raise his voice against their abuses except here and there a missionary, who, however, cried out without avail. Among others a bitter wail of this character was made in August, 1835, by Father Jose Lorenzo Quijas, then of San Francisco Solano, against Mariano Guadalupe Vallejo, Antonio Ortega and Salvador Vallejo, the commissioners of that mission. He charged them with all sorts of irregularities. The first, he said, had acted with some moderation; but the second with very great brutality, immorality and irreligion, and the third with impudence, effrontery and insolence.<sup>2</sup> Father Rafael

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<sup>1</sup> Cal. Archives, L. R. II, 287, 288.

<sup>2</sup> Cal. Archives, M. & C. II, 573-576.

de Jesus Moreno of San Francisco de Asis, in much the same manner, accused Ignacio del Valle, the commissioner of that mission; but Del Valle answered back and prepared a long list of charges against the missionaries for the manner in which they had enslaved and brutalized the neophytes. Moreno had compared the state of subjection in which the Indians were held by the missionaries to that in which soldiers were held by their superior officers. But Del Valle insisted that there was all the difference in the world between the two cases. One was involuntary and compulsory; the other in accordance with contract willingly entered into. One was a state of abject slavery; the other of systematized liberty. What, he exclaimed, had been the results accomplished in seventy years by the missions? What progress had been made by the neophytes in civilization? Why had no advance whatever been made, but rather retrogression? And whose fault was it? Even before the commencement of secularization, every one could see that the missions were in a state of decadence and especially so after the advent of the Zacatecas missionaries. The Indians had in no instance derived any pecuniary advantage from their connection with the missionaries, nor any instruction which could be of any benefit to them. The good effected was only in appearance, not in reality.<sup>1</sup>

But notwithstanding Del Valle's spirited arraignment of the missionaries and the mission system, the fact remained that the commissioners committed many abuses. It was no defense of a wrong that the accuser had committed another wrong. Figueroa felt this; and he attempted, as well as he could, to mitigate the evils which he saw could not be avoided. Whenever an opportunity presented itself, he interfered on behalf of the Indians. He endeavored to make them understand that their liberty was not the license of vagabonds, but the protection of their persons against wrongs and the security of enjoying the fruits of their labors;<sup>2</sup> and within these principles he was always ready to insist upon their rights being fully respected. About the beginning of 1835, Jose Joaquin Estudillo was commissioner of San Francisco de Asis and Pedro del Castillo his associate. A quarrel arose between them; and, as was usual upon such occa-

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<sup>1</sup> Cal. Archives, M. & C. II, 580-583.

<sup>2</sup> Cal. Archives, M. X, 61-63.

sions, many facts came to light which might otherwise never have been known. Among other things, it appeared that Castillo had arbitrarily ordered some of the Indian boys to be cruelly flogged. Figueroa, as soon as he heard of it, wrote a letter reprimanding him in the severest language and declaring that neither Castillo nor any other person would be permitted to infringe the laws, which prohibited the flogging of Indians even though they were mere boys.<sup>1</sup> Nor was he less imperative in respect to the rights of the gentiles. An old abuse—corrected for a time in the days of Borica—had again sprung up in the practice, upon hostile expeditions against the gentiles, of seizing their children and distributing them among the families of the captors as domestic servants. Towards the end of 1833, on account of the frequency of raids by Indian horse-thieves, it was found necessary to organize monthly expeditions of soldiers, assisted by the rancheros, to keep the marauders in check;<sup>2</sup> and, during these campaigns, it was not unusual to seize and make prisoners of gentile children whenever they could be laid hold of. An instance of this kind, occurring in the course of an expedition from San Jose to the Tulare country, was called to Figueroa's attention in the early part of 1835. Seven children had been seized and carried to San Jose. Figueroa immediately wrote to the alcalde, characterizing the outrage in terms of deserved reprobation; ordering the children to be sent to the missionary of Santa Clara until a fitting opportunity might present itself of restoring them to their parents, and directing that no further expeditions should be made, except in actual pursuit of horse-thieves, without express permission of the government.

Figueroa's great sympathy for the Indians was doubtless due more to his humane heart than to any other cause, though he himself attributed it to his Aztec blood. "I am of Indian extraction," he was accustomed to say, "as my color and figure clearly indicate. As such I feel for the Indians, who have the misfortune to be despised by the other classes of the population and especially by the haughty pride of those who make a boast of European blood."<sup>3</sup> But at the same time no one could claim for a moment that he favored the Indians at the expense of the

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<sup>1</sup> Cal. Archives, M. IX, 581-599.

<sup>2</sup> Cal. Archives, D. S. P. S. Jose, IV, 565.

<sup>3</sup> Qsio, MS.

whites, or that he favored their vices or crimes. Throughout his entire career in California, though fault might be found with his policy, no one could arraign his motives or deny that he was invariably actuated with a sincere desire to forward the true interests of the country. In this respect he resembled the grand and admirable old governor of the last century, Diego de Borica. Like Borica also, he took a great interest in education, which was perhaps of all things the most important to the future welfare of the Californians. In his speech at the opening of the deputation on May 1, 1834, he called attention to the fact that there were no primary schools in the territory except at Monterey, Santa Barbara and Los Angeles and that even those were kept by incompetent and ill-paid teachers. He therefore urged upon that body to make provision for more and better schools. Every people, he said, who appreciated civilization and true progress, paid most sedulous attention to education, well perceiving that the future fate of all the interests of society depended upon the enlightenment of the individuals who were to carry it on; and this was especially the case with every community which was free and claimed the privilege of exercising political rights.<sup>1</sup> At his instance, a number of new teachers were employed with liberal salaries not only at the points mentioned, but also at Sonoma, Santa Clara, San Jose, San Gabriel, San Luis Rey and San Diego.<sup>2</sup> The school at Monterey had been founded in 1833 by William E. P. Hartnell, and Figueroa had encouraged it with all his influence and power;<sup>3</sup> so that his subsequent action was only a carrying forward of the same enlightened spirit which he had thus manifested from the beginning of his administration. But it was not until November, 1834, that he put the keystone to his efforts in this direction by the establishment of a normal school at San Gabriel, for the support of which public taxes were imposed, and an order issued to the pueblos respectively, both white and Indian, to select and send thither two of their most promising young men to be instructed as teachers.<sup>4</sup>

Unfortunately for the country and its dearest interests, Fig-

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<sup>1</sup> Cal. Archives, L. R. II, 36-39; D. S. P. Ben. Misc. II, 2077, 2078.

<sup>2</sup> Cal. Archives, L. R. II, 557-564.

<sup>3</sup> Cal. Archives, D. S. P. III, 441-458; D. S. P. Ben. Misc. II, 85, 86.

<sup>4</sup> Cal. Archives, L. R. II, 567-581; M. X, 183; D. S. P. Ben. LXXIX, 654.

ueroa's health, which had not been good at any time since his arrival in the territory, broke down under his manifold labors. On August 29, 1835, after suffering some time in silence and in patience, he wrote to Jose Castro, the first member of the deputation, that he had again applied to the supreme government at Mexico to be relieved from his office. The climate of Monterey, he said, had never agreed with his constitution and he now found himself so continually exposed to serious attacks of illness as to be totally incapacitated from attending to the duties of his position. He was daily growing worse. It was absolutely necessary for him, under the circumstances, to seek relief and cure at some other point which was warmer and not so much exposed to the northerly winds. He therefore resigned the political command of the territory until such time as he might gain restored health to Jose Castro, who as "primer vocal," under the authority of the imperial law of May 6, 1822, was entitled to the succession.<sup>1</sup> Soon afterwards he left Monterey with the intention of going to Santa Barbara;<sup>2</sup> but, upon reaching San Juan Bautista, he found himself unable to proceed any further; and there, on September 29, 1835, after making a few hurried dispositions as to his private affairs as well as to the affairs of the territory, of which he had been governor since January 15, 1833—a period of two years and about eight months—he died.<sup>3</sup>

At the time of Figueroa's death, the territorial deputation was holding its sessions at Monterey. It had met there on August 25 with Jose Castro, Manuel Jimeno Casarin, Antonio Buelna, Juan B. Alvarado and Salvio Pacheco as members—Jose Antonio Carrillo and Jose Antonio Estudillo, who would have been first and second members if present, being absent. Figueroa was present at the opening meeting;<sup>4</sup> but four days afterwards, as already stated, he resigned the political command into the hands of Jose Castro as acting "primer vocal." At the session of October 13, the first after his death, on motion of Alvarado, it was ordered that the portrait of the deceased governor should be placed in the hall of meeting and that underneath it should be affixed the words, "Benefactor of the Territory of Alta California." It

<sup>1</sup> Cal. Archives, D. S. P. Ang. XI, 244; M. XI, 655.

<sup>2</sup> Cal. Archives, D. S. P. IV, 139.

<sup>3</sup> Cal. Archives, D. S. P. IV, 150, 151.

<sup>4</sup> Cal. Archives, L. R. II, 250; D. S. P. Ben. Misc. II, 416.

was further ordered, on motion of the same, that for the purpose of preserving his memory in perpetual and grateful remembrance, a lasting monument with a fitting inscription should be erected in his honor at the capital. And it was still further ordered that three copies of the resolutions thus adopted should be prepared; one of them given to the deceased's executors; the second transmitted to his widow and children in Mexico, and the third sent to the press to be printed, published and distributed.<sup>1</sup>

In his will, made on September 27, Figueroa, after recommending his soul to God, its author and creator, and his body to the earth as the common mother of mortals, expressed a wish to be buried if possible in the church of the mission of Santa Barbara. In accordance with this request, the remains were removed from San Juan Bautista to Monterey and were there placed in state in the church of the presidio until October 17, when all the necessary arrangements for the obsequies were completed. On the afternoon of that day, a grand funeral procession was formed and the remains removed with great pomp and ceremony to the American brig *Avon*, then lying in the harbor, for transportation to Santa Barbara. A military escort was provided to accompany them; and the deputation directed Jimeno Casarin to do the same as its representative. No such a funeral spectacle had been witnessed in the territory. During the procession, a gun was fired every half minute; and when the coffin reached the brig, it was placed in the cabin, enveloped by Captain Hinckley in the folds of the Mexican flag, and a sentinel placed in testimonial of the highest respect. At the same time the vessel's martial band commenced the solemn tones of a requiem to the departed soldier, which were continued in eloquent suggestiveness until the sun sank beneath the horizon.<sup>2</sup> A few days afterwards, the brig sailed and on October 27 anchored at Santa Barbara. The next day, with honors second only to those at Monterey, the remains were disembarked and placed in state in the chapel of that presidio; and the day subsequent they were removed to the mission and with religious ceremonies deposited in their final resting place in the mission church.<sup>3</sup>

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<sup>1</sup> Cal. Archives, L. R. II, 295, 296.

<sup>2</sup> Cal. Archives, D. S. P. IV, 181-186; L. R. II, 310, 311.

<sup>3</sup> Cal. Archives, D. S. P. IV, 157-159.

## CHAPTER X.

### CASTRO, GUTIERREZ, CHICO, AND GUTIERREZ (AGAIN).

ON September 22, 1835, while Figueroa lay sick unto death at San Juan Bautista, having already resigned the political command into the hands of Jose Castro as first member of the deputation, he wrote to Lieutenant-colonel Nicolas Gutierrez at San Gabriel to hasten to him and assume the military command of the territory. Gutierrez at once started northward, but was too slow to see Figueroa before his death. He therefore proceeded on to Monterey and called a council of officers to take into consideration the exigency and decide upon what was to be done in reference to the military command. According to a circular which he published on October 8, he did not wish to assume it and pleaded that, on account of his personal infirmities, he was unfit for active military service. But the council insisted upon his complying with Figueroa's request, and he obeyed. He thereupon gave notice of the fact to all the military comandantes in the territory and also notified the new political chief to the same effect.<sup>1</sup> Castro replied in courtly terms, expressing his satisfaction, in view of the great loss the whole country had sustained in the death of Figueroa, that the military command had fallen into such good hands and flattering himself with the hope that the territory would continue to enjoy the peace and prosperity, which the illustrious dead had bequeathed to it. So far as lay in his power, charged as he was with the temporary political command, he was ready to assist in every measure calculated to promote the public tranquillity and welfare.<sup>2</sup>

Castro, on assuming the political command, had notified the various subordinate jurisdictions of that fact; and the replies of

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<sup>1</sup> Cal. Archives, D. S. P. IV, 152-156.

<sup>2</sup> Cal. Archives, D. S. P. IV, 154, 155.



all of them appear to have been satisfactory, except from the ayuntamiento of Los Angeles which sent no response. On October 10, he therefore sent a special messenger to that place and demanded to know what had taken place there and why his circular had not been answered.<sup>1</sup> Upon the arrival at Los Angeles of this message, the ayuntamiento met and resolved that Castro, being in fact only "third vocal," was not entitled to the political command; but that, in the absence of Jose Antonio Carrillo who was first, Jose Antonio Estudillo was the next entitled; and further, that, in view of the state of affairs in the country, all the members of the deputation should be called upon to meet anew in that city, which was now the capital of the territory.<sup>2</sup> For a long time there had been a great deal of rivalry on the part of Los Angeles against Monterey; and the former had managed a short time previously to gain a great advantage over the latter. This it had accomplished by means of Jose Antonio Carrillo, who was then the deputy representing the territory in the Mexican congress. At his solicitation, the congress on May 23, 1835, had decreed that the pueblo of Los Angeles should be erected into and be known as the "ciudad" or city of Los Angeles and should thenceforth be the capital of the territory.<sup>3</sup> There seems to be no doubt that the decree was an unwise one and that Carrillo's purposes in advocating it were selfish; but such was the decree; and it was probably its existence and the desire to enjoy the name and privileges of the capital, much more than any special preference for Estudillo over Castro, that induced the ayuntamiento to take the stand it did. At the same time the deputation, at the instance of the ayuntamiento of Monterey, resolved to remain where it was and to send off a protest against the change of the capital to the president of the republic.<sup>4</sup>

Estudillo, when the deputation met in August, 1835, was at San Diego. He had been summoned to attend the sessions; but he excused himself on the plea of illness.<sup>5</sup> When he heard that Figueroa had delivered over the political command to Cas-

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<sup>1</sup> Cal. Archives, D. S. P. Ang. XI, 247, 248.

<sup>2</sup> Cal. Archives, L. R. II, 307, 308.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose, II, 658; V, 105.

<sup>4</sup> Cal. Archives, L. R. II, 299.

<sup>5</sup> Cal. Archives, D. S. P. Ben. Misc. II, 406, 407.

tro, his health was better. He immediately wrote demanding the position for himself and insisted that he was entitled to it as a matter of right. The deputation, however, resolved that he could not under the circumstances justly claim the office and that Castro should not deliver it up to him. It had already determined not to remove to Los Angeles; but it now resolved that all the members should be called anew to meet in extraordinary session at Monterey.<sup>1</sup>

Castro, who had thus become "gobernador interino" of Alta California and had thus been confirmed in his office by the deputation, filled it for a period of only about four months. The supreme government at Mexico, in answer to the applications which had been made to it to sever the political and military commands of the territory, had resolved that the good of the nation required them to be kept united in the same person. Its order to that effect reached Monterey about January 2, 1836, on which day Castro delivered over the political command to Nicolas Gutierrez, who already held the military command; and thus Gutierrez became governor. Both he and Castro upon the same day issued proclamations; the latter to the effect that he had, in obedience to the orders from Mexico, delivered up the government; and the former that he had accepted and been placed in possession of it.<sup>2</sup>

Gutierrez filled the office of "gobernador interino" on this occasion for only about the same length of time that his predecessor, Castro, had filled it. On December 16, 1835, almost immediately after the supreme government had received information of Figueroa's death, it appointed a new "gobernador propietario" in the person of Colonel Mariano Chico;<sup>3</sup> and Gutierrez merely held until his arrival. There seem to have been many applicants at the Mexican capital for Figueroa's place; but the choice fell upon Chico, not by any means because he was the fittest man for the position but because he could bring more influence to bear upon the president of the republic to obtain the appointment than any other. It would perhaps have been difficult to select a more unfit person; but he was a

<sup>1</sup> Cal. Archives, D. S. P. Ben. Misc. II, 419-424.

<sup>2</sup> Cal. Archives, D. S. P. Ang. XI, 262, 263; D. S. P. S. Jose, V, 106.

<sup>3</sup> Cal. Archives, S. G. S. P. XI, 205; D. S. P. Ang. XI, 310; D. S. P. S. Jose, V, 30, 31.

deputy in the Mexican congress from the state of Guanajuato and therefore a man whose claims had force in them.<sup>1</sup>

The new governor arrived and disembarked at Santa Barbara in April, 1836. Upon inquiring as to the news of the territory, he was informed that an event had just occurred at Los Angeles, which was novel in the history of the country. A man named Verdugo, having been deserted by his wife, applied to one of the *alcaldes* for an order compelling her to return. The order being granted, Verdugo started homeward with her; but on the way he was assassinated by the wife and her friend, who had followed after them. Though the assassins were seized and thrown into prison, the indignation of the people was so great when all the facts and circumstances came to be known that they combined together for the purpose of securing immediate justice; broke open the jail; took possession of the persons of the prisoners; gave them a trial before themselves; condemned, and then shot them. It was the first instance in the country of "Lynch" or "Vigilance Committee" law; and its only justification was the right of society to defend itself against murderous attacks where it was plain that the regular laws could not or would not accomplish the purpose. It so happened in this case that the male assassin had been a countryman of Chico; and this, as well as the violation of law involved, excited his resentment and fury to the highest degree. He desired to proceed at once to Los Angeles and punish those who had taken part in the occurrences, and was only induced to forego the attempt by representations of friends, cooler-headed than himself, to the effect that he had better first proceed to Monterey and become invested with the office of governor before he assumed to exercise its powers.<sup>2</sup>

Chico accordingly proceeded to Monterey, where he arrived on May 1.<sup>3</sup> On May 3, Gutierrez having transferred to him the command of the territory,<sup>4</sup> he took the oath and entered upon his office.<sup>5</sup> On the next day he issued an address or proclamation, styling himself colonel, representative of the nation, com-

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<sup>1</sup> Cal. Archives, D. S. P. Mon. III, 161.

<sup>2</sup> Osio MS.

<sup>3</sup> Cal. Archives, D. S. P. Mon. VI, 117.

<sup>4</sup> Cal. Archives, D. S. P. Ang. XI, 311, 312.

<sup>5</sup> Cal. Archives, D. S. P. S. Jose, IV, 453.

andante-general and political chief and setting forth that the president of the republic, on account of high regard and judging him to be the man best suited for the place, had called him from his seat in congress and confided to him the honorable employment with which he had been invested. It was in vain, he continued, that he had urged his unfitness: that illustrious magistrate had insisted upon his acceptance; and he had accordingly come to California, leaving behind him perhaps forever an amiable wife and a tender son, the dearest objects of his heart. In addition to the solicitude and anxiety which he naturally felt for them, he had been thrown into the profoundest grief, since he left Mexico, to hear of the death of the president of the republic, Miguel Barragan. He was therefore full of sorrows, deploring his separation from his family and bewailing the loss not only of a patriot, but of one who had been to him personally a friend and, as it were, a father.<sup>1</sup>

Having thus introduced himself to the inhabitants of the country, he next addressed himself to the business of government. His first public act was to order Gutierrez to proceed with a number of troops to Los Angeles and institute measures for the punishment of the people of that place for their interference with the course of justice in the case of the assassins of Verdugo.<sup>2</sup> The result was the arrest of Victor Prudon who had acted as president, Manuel Arzaga who had acted as secretary, and Francisco Araujo who had acted as executive officer of the vigilance committee; and they were held in prison until such time as the governor could come down from Monterey to try them.

His attention was next directed to hunting out, with the object of punishing, every man in the territory who had taken part against Victoria. He boasted that he was a friend of the expelled governor; and it was soon evident that he intended to undertake the task of avenging the supposed wrongs he had suffered at the hands of the people of California. Among others, Abel Stearns of Los Angeles who had been one of the most active of Victoria's enemies was marked for destruction, and, without any intimation of the object, was ordered to immediately present himself to the new governor at Monterey. Stearns

<sup>1</sup> Cal. Archives, D. S. P. S. Jose, II, 661.

<sup>2</sup> Cal. Archives, D. S. P. IV, 263, 264.

obeyed without misgivings. He rode the journey as rapidly as possible. Upon arriving at Monterey, he proceeded at once to the hall of audience, where he found several other persons waiting for an interview. Presently Chico entered and in a tone of affability asked his guests to be seated. After a little general conversation, he remarked that he did not have the honor of an acquaintance with two of the gentlemen present. But, as soon as he heard that one of them was Abel Stearns, he started from his chair in a rage and, pointing at him with his finger, exclaimed: "And you then are that scoundrel, Abel Stearns, whom I have sent for to punish as you deserve? You then are the rascally American who conspired against Don Manuel Victoria? and whom I shall soon see hanging on the flag-staff in the middle of the plaza. You are the despicable foreigner, who has dared, without an introduction, to take a seat in my presence and among honorable gentlemen. Begone this instant and expect a speedy punishment for your knaveries!"

Chico's wrath was as impotent, however, as it was violent. After Stearns had withdrawn and he had had time to think over what had occurred, he found that his sudden fury had carried him beyond all bounds of reason and that he would either have to drop the subject where it was or be under the humiliating necessity of retracting what he had said before he could proceed further. In the face of the amnesty and of the public opinion which condemned Victoria as a tyrant, he found that he could not expect much support. He therefore chose the inglorious alternative of dropping the subject. On the following morning, accordingly, there was nothing left but the slag and ashes of his volcanic passion of the previous day. Instead of attempting to injure Stearns, he sent word to him to return to Los Angeles whither he would soon follow and conclude the business for which he had called him to Monterey.<sup>1</sup> He then attempted to accomplish his object by arbitrarily ordering Stearns to leave the country; but the latter objected and protested;<sup>2</sup> and before anything further could be done Chico himself was a fugitive and an exile.

A very few days after his arrival, he fulminated an order against foreigners in general. Though based upon the action of

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<sup>1</sup> Osio MS.

<sup>2</sup> Cal. Archives, D. S. P. Ben. P. & J. VI, 19-21.

the supreme government, it accorded entirely with his own intolerant spirit. Every foreigner was required within ten days to present himself before an alcalde and justify his presence in the country under penalty of being fined twenty-five dollars or condemned to eight days in irons on the public works.<sup>1</sup> He followed this up soon afterwards by a proclamation, designed to depress foreign commerce which he declared was monopolizing the trade of the country, ordering every foreign vessel that arrived to immediately unload and land its cargo at Monterey and prohibiting any retail trade on board a foreign vessel in any of the roadsteads of California.<sup>2</sup> Having thus paid his respects to foreigners and foreign commerce, Chico next turned his attention to the subject of the Indians; and, on pretense of correcting some disorders which had been committed by fugitive bands, he made a sweeping order that every Indian, found away from his residence without license from the alcalde, administrator or missionary, should be arrested and sentenced to labor on the public works.<sup>3</sup>

On May 27, 1836, the deputation met at Monterey. Chico presented himself and made an address. He referred, among other things, to the disorders which had occurred at Los Angeles; to the multitude of robberies and crimes which were occurring throughout the country, and to the evils arising from the secularization of the missions. The very foundation of the prosperity of the country appeared to him to be undermined and its ruin almost inevitable. From the moment that the so-called colonists had come from Mexico with their new-fangled notions of secularization, the period of decadence had commenced. Some of the missionaries, with mistaken views and imprudent zeal, had hastened the downward progress by their indiscriminate slaughter of cattle, by their destruction of fields and vineyards and by their abandonment of everything calculated to preserve and sustain public progress; and the result was the miserable state of affairs existing on every side. Added to all these were other disorders consequent upon recent political disturbances at the capital of the republic. In fact everything was in confusion and contradiction. It was a labyrinth of difficulties, in which only

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<sup>1</sup> Cal. Archives, D. S. P. S. Jose, IV, 456.

<sup>2</sup> Cal. Archives, D. S. P. Mon. III, 157.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose, IV, 463; D. S. P. Ang. II, 248, 249.



well-stocked vocabulary; he threatened them with everything that was frightful; he stormed; he fumed. The prisoners expected nothing less than violent deaths; and Araujo came near losing his reason from apprehension. But when the first tempest of his violence passed over, Chico found as was usual with him on such occasions that he had gone too far. The accused were defended by Mariano Romero, who though not a lawyer possessed some knowledge of public business and great coolness of temper, which was much more effective than law against the savage onslaughts of the governor. The result was that Chico by degrees tamed down and began to talk with moderation. He finally spoke about pardon; and, upon the easy condition that the accused should acknowledge that they had been offenders and accept his clemency, he ordered them to be set at liberty.

This action was in part precipitated by a message which Chico received while at Los Angeles from Monterey. He had brought with him from Mexico a niece, or more probably a damsel called his niece for appearance's sake, whom he had left at the latter place. The message advised him that she needed looking after. He immediately made ready to depart; but before getting off he succeeded in involving himself in a controversy with Manuel Requena the alcalde, whom he charged with violation of duty in not preventing the action of the vigilance committee and with Mariano Romero the defender of Prudon, Araujo and Arzaga, whom he accused as Requena's adviser. The quarrel went so far that he ordered a prosecution to be instituted against them; and then he set out for Monterey, intending as soon as business of more pressing concern would allow to return and avenge himself.

He had scarcely reached the capital, however, before he managed to get into a still more violent quarrel with the alcalde of that place. An injured husband having brought a complaint against the disturber of his peace, the alcalde in the exercise of his discretion had ordered the guilty wife as well as her friend to be arrested and thrown into prison. The husband objected to the imprisonment of his wife and appealed to Chico, who being won over to his cause ordered her release. A few evenings afterwards there occurred a puppet-show, at which as usual upon all such exhibitions at Monterey nearly the whole



population from governor down was present. The injured husband asked and obtained Chico's permission for his wife to attend. When she made her appearance, the *alcalde* at the suggestion and with the advice of his friends sent an order to the prison inviting the paramour to the same show. The advent of the prisoner, as was to have been expected and as was doubtless intended by the actors in the affair, was the signal of a grand explosion on the part of the governor. His wrath on former occasions was nothing as compared to his fury on this one. His blood was said to have leaped and sputtered like water thrown on red-hot iron. His rage was compared to hydrophobia. He roared and stamped and broke out into a torrent of invectives, and was only restrained from violence by the interposition of third persons; while the *alcalde* and his friends enjoyed the spectacle he made of himself.

The governor's wrath put an immediate stop to the performance and broke up the show. He went off to his house, fuming with anger and spent a sleepless night in devising means of revenge. In the morning, he ordered out the troops and marched to the *alcalde's* residence; called him out; demanded his wand or staff of office and was doubtless surprised when the latter gave it up without resistance or objection. This passive demeanor of the *alcalde* seems to have balked the governor's plans. All he could do was to receive the staff; order a counter-march; dismiss the troops, and retire again to his house—with his trophy indeed, but not as a conqueror. He probably saw or might have seen before he got through with the adventure, that the victory was against him. He had barely reached his house before mounted men were seen gathering from all directions. When he first came to the country he was unpopular as a centralist; and everything he had done only heightened the ill will with which he was regarded by almost everybody in the territory. This last disgraceful exhibition of his unfitness for the position to which he had been elevated was only the occasion of a movement against him, which would have come sooner or later without it. The popular indignation, which had hitherto been pent up, now burst forth; and there was a general cry for his expulsion.

As Monterey was soon filled with armed men, whose num-

bers continually increased, and the popular excitement momentarily grew more and more intense, an extraordinary meeting of the deputation was called of such members as were present, and in the meanwhile measures were taken to preserve the public peace. But still the aspect of affairs became more and more threatening. Chico soon found himself in the position of a wild beast in a cage surrounded by enemies. No one was ready to enter and beard him; but at the same time he dared not expose himself for fear of a stone or a shot. It was not long before he began to feel exceedingly uncomfortable. His discomfort increased as the night wore on and the groups of armed men in the streets, who were evidently not his friends, continued to increase instead of diminish. In the morning he began to grow alarmed and to think it likely that a violent death, perhaps by general assault, perhaps in the manner of the vigilantes of Los Angeles, was impending.

In the midst of his apprehensions, the deputation unexpectedly came to his relief. When he had addressed it by way of inaugural a few months before and said that its good judgment would have to furnish the Ariadne's clew out of the labyrinth of difficulties, he had no idea that his words were to come true in this fashion. But so it proved. The deputation opened communication with him and furnished the Ariadne's clew that gave him his only chance of escape. When they represented that it would be useless, without a larger force than he had at his command, to attempt to stem the popular tide, he complained that the troops which had been promised him in Mexico had not arrived and he added that he thought of sending the brig *Clementina*, then in the harbor, to Mazatlan after them. It was asked in reply: Would they come? had he not better go after them himself? The inquiry was a mere chance suggestion; but it solved the enigma that had presented itself. It furnished a pretext under which he could, with some show of honor, get out of the toils that surrounded him and at the same time satisfy the people who were resolved to tolerate him no longer. An arrangement was soon perfected. He was to immediately leave the country. The people consented. The *Clementina* was made ready. The armed men in the streets stepped aside and allowed the governor to march down to the beach and embark

without interruption. The vessel at once spread its sails, July 30, 1836, and stood out to sea.<sup>1</sup>

Before leaving, however, Chico issued a circular to the *alcaldes* and commissioners of missions throughout the territory, and wrote a letter to Gutierrez. In the circular, he gave notice that, on account of late popular convulsions and the want of sufficient force to sustain his authority, he had resolved personally to give an account of the state of affairs to the supreme government and that during his absence the political and military commands would be deposited in the hands of Gutierrez. In the letter, he informed Gutierrez that the combined action of the deputation and the *ayuntamiento* of Monterey compelled him to return to Mexico for more troops, as he had only eight soldiers upon whom he could rely to oppose some hundred armed enemies, who were determined to deprive him of his office. He was not able, he said, to enter into full explanations at that time on account of the violence with which he was treated; but on his return he and Gutierrez would advise together and take such measures as might be necessary. In the meanwhile, if an opportunity occurred, Abel Stearns and Father Narciso Duran should be shipped off as mischievous and dangerous to the peace of the community.<sup>2</sup>

While these events were occurring at Monterey, Gutierrez in obedience to the orders of Chico was preparing to take measures against Manuel Requena the *alcalde* and Mariano Romero his friend and adviser, at Los Angeles. In the quarrel, which these persons had had with Chico, the latter had threatened them with shackles and all sorts of personal indignities; and Gutierrez felt himself obliged by the orders he had received to put them in irons pending the proposed prosecution. It happened that the three were together discussing the subject—Requena and Romero insisting that violence of that kind was unlawful and Gutierrez answering that he had no discretion in the matter as he was obliged to obey orders—when news arrived of the occurrences at Monterey. As soon as the dispatches were placed in Gutierrez' hands, announcing the departure of Chico and his own succession as temporary governor, he turned to Requena and Romero; congratulated them upon the unexpected

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<sup>1</sup> Osio MS.

<sup>2</sup> Cal. Archives, D. S. P. IV, 287-293.

turn affairs had taken in their favor, and, with expressions of kindness and respect, discharged them from further question.

It was supposed at the time that Chico had left the territory; but a day or two afterwards, Gutierrez received an order to meet him at San Pedro. The Clementina had run in there and anchored, and Chico had transferred himself on board the American brig *Don Quixote*. It is said that his object in doing so was to enter into a commercial speculation in hides and tallow in violation of the revenue laws, by which he would if successful have made a considerable sum of money upon his arrival at Mazatlan. But he found that the revenue officers at San Pedro were not disposed to wink at the proposed fraud. Their opposition was the occasion of one of his characteristic explosions; but Gutierrez managed to quiet his rage and dissuade him from his project by representing that in the circumstances, under which he was returning to Mexico, it would not be safe to take any risks. Chico then put to sea again; and California was thenceforth rid of him. His inglorious administration had lasted but three months.<sup>1</sup>

Gutierrez was now for the second time "gobernador interino." But circumstances had very considerably changed even in the three months since he had previously filled the same office. Not only had the anti-centralist and therefore anti-administration and revolutionary feeling been increasing, and under Chico's mismanagement growing with accelerated rapidity; but he was hampered either by secret instructions from Chico or by the thought that Chico would soon return and hold him accountable if anything occurred unfavorable to the centralist government. It was observed that his usual buoyancy was gone and that a sad melancholy had settled upon his disposition. His friends endeavored to worm out the secret of the change; but all that could be discovered was that the spirit of Chico, not yet satisfied with the evils it had wrought in the country, stood like an evil genius over him. On one occasion he was heard to exclaim in a tone of despair that "it was hard to be compelled to do another's bidding and yet incur all the responsibility; but however bad it was to obey the orders of a superior, it was worse to disobey them."

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<sup>1</sup> Osio MS.

The new governor, in so far at least as he was the representative of Chico and the centralist government, had cause to feel uneasy. Ever since the adoption by the Mexican congress on October 23, 1835, of the centralist measure known as the "bases constitucionales" or constitutional bases, it was only a question of time when California would revolt. By the terms of these bases, which were calculated to operate most onerously upon California as the most remote part of the republic, its claim to anything like liberty would be destroyed. They contemplated a division of the national territory into departments, instead of states and territories. These departments were to be administered by governors and departmental juntas, the latter to be elected by popular vote and the former to be periodically appointed by the supreme executive power on nomination of the juntas. The governors were to exercise the executive power but under strict subjection to the supreme executive of the nation. The juntas were to exercise legislative power but under the supervision and control of the general congress. The original judicial power was to be vested in resident judges named or confirmed by the high court of justice at Mexico in conjunction with the supreme executive, the departmental juntas and the superior tribunals.<sup>1</sup> Thus every part of the proposed new scheme tended to centralize all the powers of government in Mexico and render the president of the republic more supreme than the kings of many monarchies.

When these bases were first promulgated in California, as they were not to go into immediate effect, there was not much open opposition. Chico in May, 1836, among the first acts of his administration, had ordered them to be sworn to; and there was no disturbance.<sup>2</sup> But the feeling, if not loud, was deep; and when the new centralist constitution moulded upon them arrived, everything was ready for revolution. There was only wanting an occasion to precipitate the crisis, a spark to fire the mine. It was not long in being furnished. Gutierrez soon after Chico's final departure went to Monterey, and in his investigations of public affairs at that place found or supposed he found certain frauds in the custom house committed by Angel Ramirez the administrator. His proceedings against Ramirez

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<sup>1</sup> Cal. Archives, D. S. P. Mon. VII, 372, 373.

<sup>2</sup> Cal. Archives, D. S. P. Mon. III, 162.

brought him in collision with Juan Bautista Alvarado, who was then an auditor or accountant in the office and who, though only twenty-seven years of age, was the ablest man in the territory. In the course of the controversy which ensued, Gutierrez apparently instigated by the evil genius of Chico threatened to throw not only Ramirez but Alvarado also into irons. Alvarado replied with great asperity that he had better be more guarded in his language or he might possibly, before he was aware of it, find himself in irons. The mine was fired. Gutierrez burst forth into a storm of passion; but it was nothing in intensity and depth to that of Alvarado, who though he said little manifested by signs, plainer and more significant than words, that he was thoroughly aroused.

Alvarado finally withdrew. Gutierrez, notwithstanding his anger, had coolness enough left to see that he had made a mistake. He immediately resolved to change his tactics and endeavor to win Alvarado to his own side. As soon as decency would permit, he sent a message politely requesting a further interview. But it was too late. Alvarado was not to be found. He had, immediately after leaving Gutierrez, started for Sonoma and hardly drew rein till he reached that place and was in consultation with his uncle Mariano Guadalupe Vallejo. He briefly stated to Vallejo what had occurred and expressed his opinion that the time for action against Gutierrez, as well as against the centralist government, had arrived. Would Vallejo join him? Vallejo replied that he did not know; it was a matter requiring consideration; there were difficulties; at any rate his answer was indefinite and unsatisfactory; and Alvarado forthwith turned round and started back. But on his return, by way of the Straits of Carquinez and San Jose, the rancheros in general as soon as they were informed of the state of affairs neither hesitated nor held aloof. They joined him with alacrity. They drew forth their old muskets and their old sabres, mounted their best horses and followed him; and, as the little squad marched from ranch to ranch, it soon grew into a little army. One or two of the missions furnished bands of music; at San Juan Bautista an old armory supplied what was lacking in the way of weapons. By the time they approached Monterey, though there was little or no discipline, they were formidable in numbers

and much more formidable in enthusiasm. Alvarado suddenly found himself, instead of an accountant in the custom-house, a leader of armed men and at the head of the only really effective force in the entire territory. In the very commencement of his military career, he thus became a sort of general-in-chief before he had ever been a soldier.

Gutierrez on his part made no attempt to stop the advance of his adversary. On the contrary he called in all the troops who still obeyed him, withdrawing even those who guarded the fort, and shut himself up with them in the Monterey presidio. Alvarado, ascertaining this fact, pushed forward in the night; occupied the abandoned fort; posted his forces at advantageous points, and waited for morning. He had been so quick about it and made so little noise that Gutierrez was ignorant of his movements. Gutierrez' scouts had merely brought him word of the formidable display made by the revolutionists on their march, of their fearful-looking weapons and their fierce enthusiasm and determination. But as soon as the dawn began to break, he was awakened by Alvarado's drums and trumpets and, looking out, found himself surrounded by superior numbers.

If Alvarado had at any time had an idea of being compelled to fight a battle, he had given it up as soon as he found Gutierrez shut up in the presidio. He immediately turned his attention to making a display of force rather than using it. As soon as it was light enough to see, he began making evolutions, marching bodies of armed men from one point to another and thus giving the appearance of dispositions for a desperate attack and of much greater numbers than he in fact had. At eight o'clock he sent word that he was prepared to commence a bloody assault, if the place was not immediately surrendered. There was no response; and it seemed as if he would be compelled to storm. But he still thought he could not be mistaken in the effect of the demonstrations he had made. At ten o'clock, accordingly, he sent one of his officers in the capacity of a flag of truce to demand possession; but still without effect. At twelve o'clock he sent word that if the place was not given up by three, he would open fire.

When Gutierrez abandoned the fort, he had removed as he supposed all the powder and balls into the presidio; but, in

hunting around, Alvarado's men managed to find a single ball and, by emptying a number of musket cartridges, they obtained sufficient powder to charge a small cannon. This was placed in charge of an old Manila gunner, who had taken part with the revolutionists. At three o'clock, there being still no surrender, the match was applied; and so well had the gun been directed that the ball went crashing through the roof of Gutierrez' house, scattering the tiles and splinters and spreading terror and alarm. The single shot sufficed to change the situation entirely. Gutierrez was now willing and anxious to capitulate before a second messenger of that kind should come after him. Alvarado, who would have found it impossible to get up a second discharge, was no less willing and anxious. Terms were soon arranged. Gutierrez was to leave the country, as Chico had done before him, on being guaranteed security of person; and his forces laid down their arms. Alvarado and his forces marched in and took possession. The brig *Clementina*, which had in the meanwhile returned from San Pedro, was again called into requisition; and a few days afterwards Gutierrez and a few of his principal friends embarked for Mazatlan.<sup>1</sup>

As soon as Gutierrez was gone, Alvarado called together all the members of the deputation who were within convenient reach. They met at Monterey on November 6, 1836. There were present, besides himself, Jose Castro, Antonio Buelna and Jose Antonio de la Guerra y Noriega. Their first action was a proclamation against centralism. They declared that "*Federacion ó muerte es del Californio la suerte*" or, in other words, that the only choice of the Californian was between federation and death; that he had tasted the sweet nectar of liberty and that he was not now with impunity to be offered the bitter cup of oppression. "California is free," they added, "and will put an end to all her relations with Mexico until that country ceases to be tyrannized over by the present dominant faction, which calls itself the central government."<sup>2</sup>

On the next day, November 7, the deputation met again and took into consideration a pronunciamiento or declaration of independence. A hastily prepared draft, the work of a popular meeting of November 3, was presented; but it did not meet

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<sup>1</sup> Osio MS.

<sup>2</sup> Cal. Archives, D. S. P. Ang. X, 36.



Alvarado's views; and he accordingly offered a substitute, which, with the full acquiescence of those concerned in the original draft, was unanimously adopted. By this document it was declared that Alta California was and would continue to be independent of Mexico as long as the federal system of 1824 was not re-established; that it erected itself into a free and sovereign state; that its existing deputation should be and become a constituent congress with supreme legislative powers; that the apostolic Roman Catholic religion and no other should be recognized, but no person should in any manner be molested on account of his religious opinions; that the administration of public affairs should be regulated by a constitution to be adopted; and that in the meanwhile Mariano Guadalupe Vallejo should take charge of the military command.<sup>1</sup>

Upon the adoption of the pronunciamiento, the name and style of the territory was immediately changed into that of "El Estado libre y soberano de la Alta California—The free and sovereign State of Alta California;" and the deputation resolved itself into the so-called constituent congress of the new government. On the next day, November 9, when that body met again, it was as such congress; and its first act was a decree, signed and issued by Jose Castro as president and Alvarado as secretary, declaring and announcing its legitimate installation.<sup>2</sup>

The revolution against centralism having thus been started, it next became necessary, in order to carry it forward, to stir up the popular anti-centralist feeling throughout the country. No people in the world, perhaps, have been more addicted to grandiloquent appeals, proclamations, pronunciamientos and all that kind of inflammatory literature than the Mexicans; and the Californians were Mexicans. On November 13, Jose Castro, styling himself "comandante of the vanguard of the division of operations," issued a flaming paper. "What," he exclaimed, "what is the loss of property, of family, even of life itself, if we are obliged to undergo the hard and detestable burden of slavery? Death—yea, the total extermination of ourselves, our fortunes and our families is preferable to the degrading title of slaves!" And again, "If the time must come when another race shall occupy our rich and fertile soil, let them, in recurring

<sup>1</sup> Cal. Archives, D. S. P. Ang. X, 40.

<sup>2</sup> Cal. Archives, D. S. P. S. Jose, V, 107.

with admiration and compassion to the past, exclaim, 'Here was California, whose people preferred destruction to the dominion of tyrants!'" And still again, "Repeat then with me, Long live federation! Long live liberty! Long live the free and sovereign State of California!"<sup>1</sup>

Vallejo could of course do no less than Castro. He had been named comandante of the forces. On November 29, the Californian congress made him a colonel.<sup>2</sup> His address came out the same day. He disclaimed aspiring to position, but was willing to be of service to the public. He was a lover of his country. To it, and to it alone, he was willing to be a slave. To avenge its wrongs he would consecrate himself. If he succeeded, the happiness of the people, to whom he belonged, would be a sufficient recompense. If he failed, all he asked was a cold stone over his insensate ashes, with the inscription: "Here lies a Californian who yielded to death rather than to tyranny!"<sup>3</sup>

On December 4, the congress of the new state proceeded to regulate its offices. The first it took hold of was the custom-house at Monterey. Angel Ramirez, the administrator of that department, whose irregularities and consequent quarrel with Gutierrez had been the occasion of the revolution, had been under the impression when his subordinate Alvarado triumphed that his own star was in the ascendant. But he was mistaken. Whatever may have been his relations with Alvarado, the latter was no longer mad-cap prince, but king; no longer Hal of Eastcheap, but Harry of England and St. George. Ramirez and his adherents were discharged; their offices suppressed and new ones created; and the department thoroughly remodeled and reformed.<sup>4</sup>

The next day it was decreed that the military establishment of the new state should consist of citizen soldiery. The various ayuntamientos were required within eight days to cause all the male inhabitants from fifteen to fifty years of age to be enrolled; and as soon as the returns should come in, the government was to determine the companies to be formed and name the superior officers. The entire force was to compose a squadron, whose

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<sup>1</sup> Cal. Archives, D. S. P. Ang. X, 39.

<sup>2</sup> Cal. Archives, D. S. P. Ang. X, 42; D. S. P. S. Jose, V, 108.

<sup>3</sup> Cal. Archives, D. S. P. Ang. X, 37.

<sup>4</sup> Cal. Archives, D. S. P. Ang. X, 43; D. S. P. S. Jose, V, 109.

chief officers were to consist of a colonel, a lieutenant-colonel, a sergeant-major and a standard-bearer. In addition to this force, the government was to have authority to organize a company of riflemen out of the hardy hunters who had found their way into the country and who afterwards proved to be its main reliance on occasions of difficulty.<sup>1</sup>

On December 7, congress declared Alvarado governor of the state and decreed that he should continue such until a successor should be constitutionally named. His powers, as prescribed, were to superintend and fill the appointable offices in the state; to look after its foreign relations and preserve its interior peace and tranquillity; to act as commander-in-chief of the militia and military forces; to execute the laws of congress; to supervise the courts and see to the prompt and complete administration of justice; to appoint and remove the administrators of the missions; to fine corporations, subordinate authorities and private persons for offenses against the government to the extent of one hundred dollars and for omissions of duty to the extent of two hundred dollars, and at his discretion to suspend inferior officers, giving immediate account thereof to congress for its supreme action. He was to have the title in all official transactions of Excellency and receive an annual salary of fifteen hundred dollars. He was to take the oath to the declaration of independence before the president of congress. He was to have a secretary of state named by himself, with an annual salary of one thousand dollars, whose duty it should be to keep the minutes and sign all the decrees and orders of the government, and an amanuensis or in case of urgent necessity more than one.<sup>2</sup>

Two days afterwards, it was decreed that the state should be divided into two cantons; the first to be called that of Monterey, with that place as the capital and comprehending also the municipalities of San Jose and San Francisco and the frontier of the north; the second, that of Los Angeles, with that place as capital and comprehending also the municipalities of Santa Barbara and San Diego. There was to be a political chief in each; he of the first to be the governor; the other to be named by the government on the nomination of the ayuntamientos of the second canton. Each political chief was, among other powers, to have

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<sup>1</sup> Cal. Archives, D. S. P. Ang. X, 44; D. S. P. S. Jose, V, 110.

<sup>2</sup> Cal. Archives, D. S. P. S. Jose, V, 111.

that of making grants of land under the colonization laws, but he was to report the same to the supreme government of the state for its approbation.<sup>1</sup> It was also decreed that each ayuntamiento in the state should at its next succeeding session elect a delegate and a substitute; that such new delegates or in case of their absence the substitutes should, in conjunction with the members of the existing congress, constitute the next congress, whose duty it should be among other things to form and adopt a constitution.<sup>2</sup>

Thus, in the short space of about a month, California accomplished a revolution, adopted an independent system of government and put it in practical working order, without the effusion of a drop of blood. Neither Gutierrez nor Chico ever returned. When they arrived at Mexico, the government there had its hands too full of other matters to pay attention to their complaints. Santa Anna, who had gone off to punish the revolutionists of Texas, had to a great extent drained the country of its resources. He had recently been defeated and taken prisoner. In comparison with Texas, California was supposed to be of small account; and it was therefore left to work out its revolution in its own way and with little or no interference.

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<sup>1</sup> Cal. Archives, D. S. P. S. Jose, III, 342, 343; V, 113, 114.

<sup>2</sup> Cal. Archives, D. S. P. S. Jose, V, 116.

## CHAPTER XI.

### ALVARADO.

**J**UAN BAUTISTA ALVARADO was born at Monterey on February 14, 1809. He was the son of Jose Francisco Alvarado, a young official of Spanish blood who came to the country about the time of Diego de Borica, and Josefa, his wife, a sister of Mariano Guadalupe Vallejo. Before he was a year old he lost his father; but he was carefully reared by his mother, who, after a widowhood of some years, married Jose Ramon Estrada. As the boy grew up, he displayed unusual thirst for learning. His opportunities were scanty; but he managed in various ways to pick up crumbs of knowledge, every one being ready to help a lad who was so anxious to help himself. His zeal attracted the attention, among others, of Governor Sola, who found a pleasure in conversing with him and encouraging his desire for instruction.

Their first meeting appears to have been at the school for white children, kept at Monterey by Miguel Archuleta, an old sergeant who had received such learning as he possessed from the missionaries. It did not extend beyond a little reading and writing. Sola, who was a man of some culture and appreciated the value of education, visited the school and asked to be shown the books which the pupils were reading. He was handed the catechism, the worship of the virgin, the lives of a couple of saints and a few other religious publications. Archuleta boasted that he had two scholars—pointing to Alvarado and Vallejo—who were sufficiently advanced to sing a mass. Sola answered that this was all very well, but that boys who were smart enough to sing a mass ought to be taught something else. He then directed Alvarado to come to his house, and there placed in his hands a copy of Don Quixote, saying: "For the present, read this: it is written in good Castilian;" and so long after that as

Sola remained in California, he furnished him books and, as it were, superintended his education. They would often go out together, walk along the beach or on the hills or under the huge trees and talk about the heroes and historic characters of former times.

There were very few books in California, except such as were to be found in the mission libraries; and these were almost exclusively of a religious character. Scattered among the dull mass, however, there were a few of more interesting and instructive contents. At San Francisco the nearest approach to these were a geographical dictionary, the laws of the Indies and Chateaubriand.<sup>1</sup> At San Juan Bautista there was a copy of *Gil Blas*.<sup>2</sup> At San Luis Obispo there were twenty volumes of travels and twenty volumes of Buffon's natural history.<sup>3</sup> At San Gabriel there were a *Life of Cicero*, *Lives of Celebrated Spaniards*, Goldsmith's *Greece*, Venegas' *California*, *Don Quixote*, *Exposure of the Private Life of Napoleon* and even Rousseau's *Julie*.<sup>4</sup> And so, here and there, even at the missions, food for the mind was to be found. The missionaries, however, did not look with favor upon any reading except that of a strictly orthodox description. Alvarado on one occasion managed to get hold of a copy of Fénélon's *Telemaque*, but was excommunicated for reading it. After that, he revenged himself by reading in secret everything he could lay his hands on. In 1834 Dr. Alva a physician brought from Mexico several boxes of miscellaneous and scientific books; but the missionaries seized them; had them turned out in the middle of the plaza and, with all the ceremonies of the church, consigned them to the flames.<sup>5</sup> But though under such circumstances it was difficult to follow his pursuit of knowledge, he by degrees gathered a considerable amount of information. His mind tended towards politics and public affairs; and, among historic characters of whom he had heard and read, he selected Washington as most worthy of imitation and chose him as his model.

Alvarado's first important office was that of secretary of the

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<sup>1</sup> Cal. Archives, M. VI, 695, 696.

<sup>2</sup> Cal. Archives, M. VI, 461.

<sup>3</sup> Cal. Archives, M. VII, 591.

<sup>4</sup> Cal. Archives, M. VI, 552-555.

<sup>5</sup> Transcript in Emeric vs. Alvarado, 1350.

territorial deputation, to which he was elected, at the age of eighteen, in 1827.<sup>1</sup> After upwards of six years of labor in that employment, he asked to be allowed to retire and was relieved by vote on June 26, 1834, at the same time receiving the thanks of the deputation for his faithful and efficient service.<sup>2</sup> In the meanwhile he had also, since 1830, filled the office of an accountant in the custom-house at Monterey,<sup>3</sup> to which was added that of treasurer in 1834;<sup>4</sup> and in 1835 he was elected and took his seat as fourth member of the deputation.<sup>5</sup> As a member of the legislative body, he was the most active and influential that the territory had ever had. In June, 1836, Chico urged upon the deputation the necessity of having an agent at the city of Mexico, who would watch over and attend to the interests of the country better than any of the delegates to congress had seemed able to do; and the deputation, approving of the proposition, named Alvarado as its first choice.<sup>6</sup> The expulsion of Chico and subsequent disturbances which finally resulted in the declaration of the free and sovereign state of Alta California intervened; and Alvarado, who was the soul of the movement, from leader of the revolution became governor of the new state; and the opportunity of finding a proper field for his talents at the center of the republic, thus for a moment opened, was again and, as it proved, forever closed.

The new governor, being by the act of his appointment named commander-in-chief of the military forces of the country, was advanced to the rank of colonel; and the previous appointment of Vallejo to that office was abrogated.<sup>7</sup> On December 20, 1836, Alvarado, having taken the oath and been installed into office, issued his first state paper under the title of "The citizen, Juan B. Alvarado, colonel of the civic militia, superior political chief of the first canton and governor of the Free and Sovereign State of Alta California." It was a very important document. It gave notice to the inhabitants of the state that the constituent congress had just vested in him extraordinary powers to support

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<sup>1</sup> Cal. Archives, L. R. I, 85.

<sup>2</sup> Cal. Archives, L. R. II, 425, 434.

<sup>3</sup> Cal. Archives, D. S. P. Mon. VI, 54.

<sup>4</sup> Cal. Archives, L. R. II, 527.

<sup>5</sup> Cal. Archives, L. R. II, 250.

<sup>6</sup> Cal. Archives, L. R. III, 147-156.

<sup>7</sup> Cal. Archives, D. S. P. S. Jose, V, 112.

the new system by any and all possible means. In other words, Alvarado, in the very start of his gubernatorial career, was to all intents and purposes a dictator, and held the destinies of the state entirely in his own hands.<sup>1</sup>

He was, however, not a man to abuse his authority or render its exercise offensive; nor is it likely that there would have been any opposition to his rise, if it had not been for the old jealousy entertained by Los Angeles against Monterey in reference to the question of the capital. The whole country from Sonoma to Santa Barbara cheerfully acquiesced in the action of Monterey and accepted Alvarado as governor.<sup>2</sup> But Los Angeles, to whom probably no system not recognizing it as the capital and no governor residing in the northern part of the country would have been acceptable, was dissatisfied and refused its adherence. Alvarado, as soon as he was informed of the stand taken by Los Angeles, sent word that the new government was under the absolute necessity of requiring its obedience and possessed the necessary resources for waging war, if it should unfortunately be compelled to resort to force.

There was thereupon an interchange of correspondence until finally, on January 17, 1837, the Los Angeles municipality by its ayuntamiento appointed Jose Sepúlveda and Antonio Maria Osio commissioners to carry on further negotiations upon its part: and at the same time it adopted a series of resolutions defining its position. In the first place, it expressed its desire to avoid the effusion of blood, but declared its determination at any sacrifice to preserve its fidelity to the laws and its obligation to its sacred oaths. In the next place, while the plan of Monterey assumed to declare the territory independent of Mexico, Los Angeles, on the contrary, gave notice that it would in no manner consent to such independence, though radically opposed to the centralist or any other than the federal system. In the third place, the apostolic Roman Catholic religion was the only religion recognized at Los Angeles and justice demanded that, as hitherto, no opinions contrary to it should be tolerated. In the fourth place, no individual or authority should be questioned as to political doctrines entertained previous to any arrangement that might be made; and finally, any arrangement to be made

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<sup>1</sup> Cal. Archives, D. S. P. S. Jose, VI, 355.

<sup>2</sup> Cal. Archives, D. S. P. Ang. II, 293, 294.



was to be understood to be merely provisional, subject to the future action of the supreme government of Mexico, and intended on the part of Los Angeles merely to prevent the shedding of blood.<sup>1</sup> On the same day, Sepúlveda issued a proclamation designed to rally the population in support of the ayuntamiento and especially to excite their prejudices against the Monterey principles of religious toleration.<sup>2</sup>

Alvarado had in the meanwhile marched southward with a hastily gathered military force, among which were some riflemen; and he established his camp within sight of San Fernando. What he desired and demanded was the submission of the country. But he cared very little about the words in which such submission was couched. So far as religious prejudice was concerned, he was willing to leave prejudice to prejudice. If Los Angeles was ready to accept the new system, it made no difference that it talked against it or put its acceptance on the ground of a desire to prevent bloodshed. It was the substance, not the appearance of the thing, that he was interested in. Accordingly, an arrangement was soon effected;<sup>3</sup> Los Angeles submitted; Alvarado was satisfied; and on February 5 he quietly marched with his forces into the capital of the southern canton. A few days afterwards he dismissed his riflemen; posted Lieutenant-colonel Jose Castro with thirty men at San Gabriel, and returned northward.<sup>4</sup>

An interesting incident is said to have occurred at Los Angeles just before Alvarado left there. The ayuntamiento, previous to the amicable arrangement referred to, had collected a force of some four hundred men and, for the purpose of meeting expenses, had raised a fund of two thousand dollars. When the arrangement of pacification was completed and the Los Angeles force disbanded, Alvarado proposed to the ayuntamiento that, if any of that money remained, it should be advanced as a loan to the state. This was assented to; and the treasurer of the fund was sent for and directed to pay over any unexpended balance. To Alvarado's utter amazement, the treasurer handed over seventeen hundred and eighty-five dollars. Alvarado asked

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<sup>1</sup> Cal. Archives, D. S. P. Ang. XI, 353-355.

<sup>2</sup> Cal. Archives, D. S. P. Ang. II, 409-411.

<sup>3</sup> Cal. Archives, D. S. P. Ang. XI, 355, 356.

<sup>4</sup> Cal. Archives, D. S. P. IV, 378, 379.

if it were possible that two hundred and fifteen dollars could have been laid out for the expenses of four hundred men. The treasurer answered that the accompanying accounts showed exactly, item by item, that such had up to that time been the outlay, and added that there had been no waste. Alvarado replied that if the treasurer had been an ordinarily honest man, his accounts would have shown a very different result; that his conduct in office richly deserved the punishment about to be inflicted upon him, and that, in view of all the circumstances, he was sentenced to proceed at once to Monterey and take charge of the custom-house. A man, said the governor, who could manage the war fund of Los Angeles in that manner, was the right man to manage the finances of the state. At this, the treasurer was as much astonished in his turn as Alvarado had been. Such appreciation he had never before met with. But though he was thankful for the honor that was thus tendered, he replied that he could not possibly accept it. Not only did his private business absolutely require his presence at Los Angeles; but he had no desire to hold office under the general government. He had often observed that there was little or no thanks for honesty in public employment. If he were in charge of the custom-house, all the merits in the world would not prevent him from finding himself at any time superseded by an unexpected dispatch and the arrival of a successor. He was much obliged for the compliment; but he did not want public employment either as the head of the custom-house or in any other position.<sup>1</sup>

As soon as Alvarado got back to Santa Barbara, he issued a call for a meeting of the Californian congress at that place. It convened on April 11. There were present, besides himself, Jose Antonio de la Guerra y Noriega, Antonio Buelna, Manuel Jimeno Casarin, Jose Ramon Estrada and Francisco Xavier Alvarado. The object was to pass upon the late transactions. It readily approved everything that had been done; and, for the purpose of carrying out the spirit of the treaty or arrangement with Los Angeles, it decreed that the governor should prepare and transmit to the supreme government at Mexico a petition for the re-establishment of the federal system and the recognition of California as a sovereign federal state, free to administer its

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<sup>1</sup> Osio MS.

own internal concerns.<sup>1</sup> A few days afterwards, Alvarado addressed the Los Angeles ayuntamiento, announcing the action of the congress and complimenting the Los Angeles people upon the interest manifested by them in the cause of liberty and the good faith shown in upholding the terms of the treaty recently agreed upon.<sup>2</sup> On May 10 he issued a general address to the people of the state, informing them of the action that had been taken, congratulating them upon the success of the new system, and encouraging them to look forward upon the prosperity of California as assured.<sup>3</sup>

But of all the official papers, emanating from his pen during this period, the most remarkable was a proclamation issued at Santa Barbara on July 9. In it, he no longer called himself governor of the "Free and Sovereign State of Alta California," but governor of the "Department of Alta California." The difference, which might not at first sight appear of any importance, was very great. It was much more than a difference in mere names; it represented a difference in things; it, in itself, indicated a complete revolution. There can be no doubt that Alvarado would have been willing to become the second Washington of a new, free and independent nation on the Pacific. But he was not a visionary. He soon perceived that there was a very great difference between the Californians and the Anglo-Saxon colonists of the Atlantic side of the continent. He saw that what was practicable for the latter, reared as they had been in a school of freedom and inured to energetic struggle, was entirely out of the question for the former. It became plain to him that the only chance of preserving California for the people of his own race and blood, was to preserve it as a part of the Mexican nation. A revolution had taken place in his own mind and he made it a revolution in the country by a stroke of his pen. A fitting opportunity had presented itself in the arrival of news from Mexico that on December 30, 1836, the Mexican congress, in dividing the national territory, had made a single department of the two Californias<sup>4</sup> and that on April 17, 1837, General Anastasio Bustamante, after the capture of Santa Anna by the

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<sup>1</sup> Cal. Archives, D. S. P. Ang. XI, 395-402.

<sup>2</sup> Cal. Archives, D. S. P. Ang. XI, 407-411.

<sup>3</sup> Cal. Archives, D. S. P. Ang. X, 66, 67.

<sup>4</sup> Cal. Archives, S. G. S. P. XII, 296.

Texans, had become constitutional president of the republic.<sup>1</sup> Alvarado had already opened communication with the national government by transmitting the proceedings of the congress at Santa Barbara; and he now seized the opportunity of wheeling California again into line under the Mexican flag and sovereignty by quietly dropping the name of "Free and Sovereign State" and adopting that of "Department."

It is rare to find among the proclamations and pronunciamientos either of Mexico or California anything worth preservation on its own account. Only here and there, as a general rule, can a word or a sentence or sometimes a paragraph be found that is of sufficient interest to transcribe; and then chiefly on account of its extravagance. But Alvarado's paper, besides its historic value as a political document, was remarkable as the work of a native Californian, only twenty-eight years of age, who had substantially educated himself and, so far as everything that was liberal was concerned, had educated himself in secret. Styling himself the citizen, Juan B. Alvarado, governor of the Department of Alta California, and addressing all its inhabitants as his fellow-citizens—"Compatriots," he said, "liberty, peace and union are the triune intelligence by which our destiny is to be governed. Our arms have given us the first; a wise congress will secure to us the second, and upon ourselves alone depends the third. But without union there can be no permanent liberty or peace. Let us, therefore, preserve indissoluble this union—the sacred ark in which lies enshrined our political redemption. War only against the tyrant! Peace among ourselves!

"The solidity of a building consists in the union of its parts. A single stone displaced from one of its arches causes the columns to topple and precipitates into ruin a fabric, which, if the materials composing it remained united, might mark the age of time. Such is the effect of disunion upon a physical edifice. It is in no respect different in its ruinous effect upon the moral edifice of society.

"The territory of Alta California is immense in extent. Its coasts are bathed by the great ocean, which, by placing it in communication with the nations of the world, give encouragement to our industry and commerce—the fountains of wealth

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<sup>1</sup> Cal. Archives, S. G. S. P. XIII, 96.

and abundance. The benignity of our climate, the fertility of our soil and, I may be permitted to add, your suavity of manners and excellency of character, are all so many privileges with which the Omnipotent, in the distribution of his gifts, has preferred it. What country can enumerate so many conjoined advantages as ours? Let us see that it occupies as distinguished a place in history as it occupies upon the map.

"The constitutional laws of the year '36 guarantee the inviolability of our rights, and even extend them beyond our moderate desires. The august chamber of the nation's representatives is ready to listen to any legislative proposition we may present to it, calculated to promote our well-being and prosperity. Our votes may avail in favor of the deserving citizen whom we may deem worthy to fill the supreme national magistracy. And what more can you wish? The same laws assure us that we will not again become the spoil of the despotism and ambition of another tyrant like Don Mariano Chico. The Department of Alta California can henceforth be governed only by a son of its soil or one of its own citizens.

"Yes, my friends, the enthusiasm and joy caused in you by the promising outlook is entirely just. I myself feel the same emotions of pleasure. There is no need any longer to do yourselves the violence of restraining your rejoicing. Let it have scope and join with me in exclaiming: Long live the nation! Long live the constitution of the year '36! Long live the congress which sanctioned it! Long live liberty! Long live union!"<sup>1</sup>

The halcyon days of peace, tranquillity, hope and prospective reconciliation with the central government—thus pictured by the new governor—lasted, however, only from July until the end of October. During this time, Alvarado was gradually drawing the people nearer and nearer together and closer and closer to the administration at Mexico. Suddenly, and as unexpectedly as thunder from a clear sky, came word that Carlos Antonio Carrillo had been appointed governor of California in his place. In other words, notwithstanding the ability he had displayed in rising to prominence, the disposition he manifested to preserve the country for the republic and the general popularity he enjoyed amongst all classes of the people, he was unceremoni-

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<sup>1</sup> Cal. Archives, D. S. P. S. Jose, V, 194.

ously and without notice set aside for an untried man, whose only recommendation, so far as was known, consisted in being the brother of Jose Antonio Carrillo, late delegate to the Mexican congress. When Alvarado heard of it, he was, doubtless, forcibly reminded of the conversation he had had with the treasurer of Los Angeles and fully appreciated how much truth was mixed up in the asperity of that philosopher's remarks on the subject of public office-holding.

The news of Carrillo's appointment was contained in a letter from the late delegate, Jose Antonio Carrillo. It was dated at La Paz in Lower California on August 20, 1837. The late delegate had reached that point on his way homeward with his brother's appointment in his pocket, when his wife, who accompanied him, fell sick of a malarial fever, called the Tepic or San Blas tertian; and, finding that he would be unavoidably detained for some time, he wrote to Alvarado, as well as to his brother Carlos, the information which he had expected to deliver in person. In his letter to Alvarado, he assumed a patronizing air and addressed him as "My esteemed Bautista." He reminded him of their old friendship, hitherto never interrupted, and then launched out into a discussion of the subject which he had at heart. He had seen in Mexico, he said, the pronunciamiento of Monterey and the various proclamations that had been since issued and was therefore aware of the unpremeditated revolution that had taken place. He would not deny or dispute the good faith of its authors and much less that they had weighty reasons to be provoked and disgusted with the government of the country ever since the death of Figueroa. Nor would he deny or dispute the indifference and neglect with which the supreme government had treated California, even almost to its utter ruin. But all this was as nothing compared with the evils that must necessarily result from the revolution, which had been started and which was no less inconsiderate and unwise than impracticable and impossible of eventual success. This was especially the case in view of the fact—and he assured Alvarado that it was a fact—that the Mexican government had resources in abundance and was prepared to send a force of a thousand armed men to reduce it to obedience.

And what, he exclaimed, would become of California, even

supposing it could accomplish its independence? Could Alvarado and the gentlemen, who were associated with him, suppose that it could exist without a union with some other power? A moment's reflection would suggest the answer, No. Under such circumstances, were not the Californians, with their revolution, exposing themselves to ridicule? There were many other reflections connected with the subject, he went on to say, which he might make; but he did not deem it proper to commit them to paper and would reserve them until he should have the pleasure of embracing him. In the meanwhile he would repeat that the supreme government had prepared an expedition of a thousand soldiers which it was ready to pour into California, and that, though its special object would be the seizure of the persons of the chief movers of the revolution, the whole country would grievously suffer. Such a soldiery, without interests in the land was like a swarm of locusts and would leave nothing untouched. He had, however, exerted himself and succeeded in obtaining for the present a suspension of the enterprise. He had done so by means of a compact, entered into on his part with the government, that an "hijo del pais" or native of the country should become governor in the person of his brother, Carlos Antonio Carrillo—a copy of whose appointment he had the satisfaction of transmitting—and that the new governor should, without the necessity of arms or force from the capital, restore the department to its normal condition of law and obedience.

It would thus be seen, he continued, how much he had done not only for the country but also for the chief movers of the revolution. It was plain that their best course of action was to accept without hesitation the invitation that would be made them by the new governor or, still better, to voluntarily make the first advance, trusting to the generosity of the Mexican government, which was incapable of acting contrary to what was decorous and in accordance with the spirit of the arrangement he had effected. If, however, the further interposition of his own friendly influence should be required, he pledged his solemn word to return to Mexico and obtain from the government all the necessary guarantees in favor of their persons, their property and their employments. And in the confidence that upon his arrival in Alta California the whole business would be

satisfactorily concluded as he proposed, he requested an answer to his communication.<sup>1</sup>

Accompanying the foregoing letter was one from Carlos Antonio Carrillo himself, dated San Buenaventura, October 25, 1837. He addressed Alvarado as "My dear nephew, Juanito." He protested that he had not sought the position of governor; that his appointment was due entirely to the favor and good will of President Bustamante, and that, recognizing his own unfitness for the office, he would, in his administration, have to rely upon the counsel and advice of his relatives and friends. He was happy to state that, owing to the intervention of friendly powers, there was no longer any danger of war with the United States and that, owing to the good offices of his brother Jose Antonio at Mexico, no armed force, for the time being at least, would be sent to California.<sup>2</sup>

Alvarado, upon receiving information of the appointment of Carrillo, was disposed to relinquish the government into his hands;<sup>3</sup> but, under the circumstances in which he was placed and in view of the great change in the position of affairs which had recently taken place, he asked a sufficient delay to receive advice from Mexico in answer to his last communications. But this Carrillo would by no means consent to. He demanded an immediate delivery of the administration and hinted that disobedience would be very sure to lead to discord and difficulty.<sup>4</sup> It was very evident from the tone of peremptoriness he now assumed, that his feelings in regard to the governorship must have materially changed since his first letter to Alvarado. He had then been indifferent; the office, as he claimed, had been thrust upon him: now he was not only willing but anxious to fill the chair of state and be addressed by the title of Excellency. But the "amado—beloved," the "estimado—esteemed," the "querido—cherished" nephew—for all these endearing epithets were used—was not to be moved either by threats or cajolery; and it soon became plain that, if Carrillo was going to become governor in fact before Alvarado was willing to relinquish the office, he would have to fight for it.

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<sup>1</sup> Cal. Archives, D. S. P. IV, 882-884.

<sup>2</sup> Cal. Archives, D. S. P. IV, 385-387.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose, V, 185; D. S. P. XI, 448.

<sup>4</sup> Cal. Archives, D. S. P. IV, 388-390; D. S. P. Ang. XI, 445-448.



In January, 1838, Jose Antonio Carrillo, having reached Alta California and found that his scheme of making his brother governor had not succeeded any better than his previous scheme of making Los Angeles the capital, thought of trying the effect of diplomacy and invited Alvarado to a conference with a view to an accommodation and compromise.<sup>1</sup> At the same time he made advances to Alvarado's principal friends and supporters, Castro and Vallejo.<sup>2</sup> But strategy and intrigue were of no more avail than cajolery and threats. Nothing now remained for the Carrillos, if they expected to accomplish their object, but an appeal to arms. They and their adherents accordingly began marshaling their forces. Juan Bandini, ex-delegate to congress, Captain Pablo de la Portilla, Ensign Macedonio Gonzalez and almost all the men of prominence in the southern part of the country made themselves busy. Sectional feelings were stirred up. It was a fight of the south against the north; and every southern man, without reference to what he may have thought of the merits of the quarrel, was obliged by his social ties and virtues, if for no other reason, to take part with his neighbors and friends. In a very short time, numbers of troops gathered at different points; and hostilities commenced.

No sooner had the Carrillos thus thrown down the gage of war than Alvarado unhesitatingly accepted it. He immediately gathered a body of troops, whom he hastily dispatched southward under the command of Jose Castro, and soon afterwards himself followed with another body. His plan of campaign was by activity and celerity to crush the insurrection before it could make headway. In accordance with his instructions, Castro hastened by rapid and forced marches, resting only at night and then only for a few hours, until he reached and seized the Rincon, a narrow pass where the high range of mountains eastward of Santa Barbara strikes down to and, so to speak, juts over the ocean, leaving the only practicable road for miles along the sands of the beach at the foot of the cliffs. In topographical position the place was a sort of Thermopylæ. A small force there could prevent a northern army from passing south or a southern army from passing north. It was the key of the situation.

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<sup>1</sup> Cal. Archives, D. S. P. IV, 394-399.

<sup>2</sup> Cal. Archives, D. S. P. IV, 403-414.

The Rincon was but a short distance north of San Buenaventura, which was the head-quarters of Carrillo's forces and was then occupied by a large portion of his troops under command of Juan de Castañeda. They reposed there in fancied security, supposing their enemies far enough away and intending, when the rest of the southern troops joined them, to march north and fight their battles on northern soil. When, however, Castro found the Rincon unoccupied, not even a sentinel being in sight, he posted a few men there and then pressed on with his main body and an eight-pounder cannon to San Buenaventura. The dawn of the next morning found him entrenched on a hill overlooking Castañeda's camp. Nothing could have exceeded the latter's astonishment and mortification to thus find himself completely surprised and entrapped. Castro demanded an unconditional surrender. Castañeda answered that he had been ordered to hold the place and he was unwilling to evacuate unless granted all the honors of war. Castro replied that he would open fire. Castañeda rejoined that he should act as he thought best.<sup>1</sup>

The battle of San Buenaventura, if battle it can be called, which followed this interchange of missives, was extraordinary in the length of time it lasted and the little damage that was done. It resembled a mock battle, fought with blank cartridges. Each party wanted to frighten his adversary but seemed unwilling to hurt him. Castro finally succeeded in running Castañeda off. In his report to Alvarado, written on March 28, the third day after the fight commenced, Castro wrote: "I have the pleasure of informing your Excellency that after two days of continuous firing and with the loss of only one man on our part"—and, he might have added, none on the other—"I have routed the enemy; and, by favor of the night, they have fled in all directions." He went on to say that he was then occupying the field of battle with his artillery and that he intended to send a company of mounted infantry and another of cavalry lancers in pursuit of the runaways. The next day he wrote that he had captured most of the fugitives, taken away their arms and, with the exception of the leaders, set them at liberty.<sup>2</sup>

<sup>1</sup> "Dire á V. que obre de la manera que le paresca."—Cal. Archives, D. S. P. IV, 424.

<sup>2</sup> Cal. Archives, D. S. P. IV, 421-425; D. S. P. Mon. VI, 379, 380.

Among the captured leaders were Jose Antonio Carrillo, the prime mover of the insurrection, Andres Pico, Ignacio del Valle, Jose Ramirez, Ignacio Palomares and Roberto and Gil Ybarra. These persons Castro sent under a guard to Santa Inez, where they were placed at the disposition of Alvarado, who arrived the same night from the north. He on his part ordered them to be conducted to Sonoma, thus removing them out of his way and at the same time avoiding exciting the desperate feeling of opposition among their friends, which would have been the sure result of any extreme measures. Meanwhile Castro, after the rout of San Buenaventura, marched to and established his camp at San Fernando. On April 1, he wrote to Alvarado that a number of the citizens of Los Angeles were desirous of having a conference with the object of putting a stop to the war and, if possible, closing the door to the ruinous evils which threatened the country; and he added that his own breast was animated with the same sentiments.<sup>1</sup> On April 8, he wrote again but in a more warlike spirit. He said he had offered terms of pacification to the enemy, but they were deaf to anything like reason and insisted upon the same claims that had induced them to take up arms. He, therefore, was only waiting for reinforcements to advance; and he had no fear but that the success of his arms in the blow that remained to be struck would be no less glorious than under providence it had hitherto been.<sup>2</sup>

A week later, Alvarado, who had marched to San Fernando, addressed a letter to Carlos Antonio Carrillo in which, after speaking of the acts of hostility committed by his armed crowd of vagabonds, he adjured him to separate from the canaille and join him and his friends in a lasting union for the security of the country.<sup>3</sup> But Carrillo had gone to San Diego for the purpose of recuperating from the defeat of San Buenaventura. News soon came that he proposed making a stand at the Indian pueblo of Las Flores near San Juan Capistrano. Alvarado marched thither immediately and, as Castro had done at San Buenaventura, planted himself on a hill overlooking the place. He lost no time, however, in any interchange of missives, but opened fire at once with his cannon. A few shots drove Carrillo

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<sup>1</sup> Cal. Archives, D. S. P. IV, 429, 430.

<sup>2</sup> Cal. Archives, D. S. P. IV, 440, 441.

<sup>3</sup> Cal. Archives, D. S. P. IV, 446, 447.

from the Indian huts of the town into a cattle corral; but, finding his position there still more exposed than in the town, he stole away and made his escape. As his departure left his troops without a head and in fact without an object to fight for, they soon surrendered; whereupon Alvarado told them to return to their homes and cautioned them to beware of insurrection for the future, or they might fare worse.

The affair at Las Flores finished the war. Alvarado returned to Santa Barbara where, on May 27, he issued a proclamation announcing the termination of hostilities. He also announced the receipt of recent news from Mexico that, in the conflict that was going on there between federalism and centralism, federalism was making rapid strides. This was especially the case in Sonora, which under General Jose Urrea had established its old federal state sovereignty.<sup>1</sup> At the same time, he addressed a communication to the authorities of Los Angeles that, until further advices from the supreme government, he would expect of them the obedience that was due to his government.<sup>2</sup> He seems to have supposed, and with good reason, that a simple reminder of their duty from a governor, who had exhibited such vigor and had so signally triumphed, would be sufficient. But he said nothing of the kind; nor, though he lived in an element of boasting and braggadocio, is there to be found in his letters and papers anything like vainglory in reference to himself or his exploits, or any abuse of his enemies. In speaking of Carrillo especially, he was uniformly kind and courteous.

That unfortunate gentleman found his way to his home not far distant from San Buenaventura. He was allowed to remain there under the guard and surveillance, so to speak, of his wife. He was not exactly a prisoner; but the lady became surety for his good behavior, and he, on his part, undertook that he would not again disturb the public peace.<sup>3</sup> He had not been there long, however, before a foolish report reached him that he was liable to be shot. Though he wrote to Alvarado and Castro that he could not believe the report, it evidently rendered him very nervous;<sup>4</sup> and about the middle of August, seizing an

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<sup>1</sup> Cal. Archives, D. S. P. Ang. X, 130.

<sup>2</sup> Cal. Archives, D. S. P. Ang. XI, 478-480.

<sup>3</sup> Alvarado's Testimony in *Davis vs. California Powder Works*, in 15 District Court.

<sup>4</sup> Cal. Archives, D. S. P. IV, 470, 471.

opportunity, which was furnished by his son-in-law, William G. Dana, he managed to escape in a launch used for sea-otter hunting and sailed for Lower California.<sup>1</sup>

Meanwhile the prisoners, Jose Antonio Carrillo and others, who had been sent to Sonoma, reached that place and were turned over to Vallejo, who occupied the position of "comandante-militar" of Alta California. Though Vallejo had refused to join Alvarado at the beginning of the revolution, he no sooner heard of his success than he became a strong adherent; and Alvarado, upon rising to power, advanced him to high position. In the subsequent military operations, Vallejo took no active part; but, when he heard of the battle of San Buenaventura, he exulted in what he called the glorious action and heroic valor of the North-Californians.<sup>2</sup> Afterwards, when the prisoners were sent to him, he still further exhibited his partisanship by refusing to speak to them. It is even said that he would give them no food, except such as only excessive hunger could compel human beings to eat. It is related that on one occasion, a compassionate woman of Sonoma, who had noticed their sufferings, sent a boy with a couple of melons, but that the comandante ran up and smashed them on the ground, at the same time ordering the sentinel to admit no food except such as he himself saw proper to allow. Antonio Maria Osio, who vouches for the truth of these incidents, introduces his account of them by stating that when Alvarado sent the prisoners to Sonoma, he remarked that if he sent them to the devil they would not get what they deserved and he therefore sent them to Vallejo.<sup>3</sup> And he concludes his observations upon the subject by saying that Alvarado knew whereof he spoke and did not equivocate.<sup>4</sup>

It is possible that these accounts of Vallejo's action towards the prisoners are exaggerated; but it is certain that he counseled exiling them from the country. He charged that their object in trying to get hold of the government was to rob the mission properties; and he argued that, on account of their high position

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<sup>1</sup> Cal. Archives, D. S. P. IV, 507, 508.

<sup>2</sup> Cal. Archives, D. S. P. IV, 455, 456.

<sup>3</sup> "Y concluyó [Alvarado] con que si los mandaba al infierno, no recibirían el castigo de su delito y él no quedaria satisfecho; y por tanto los mandaria á Sonoma, con el comandante-general, donde recibirían el castigo que él deseaba."—Osio MS.

<sup>4</sup> "Así es que Alvarado no se equivocó, cuando les dijo en Santa Inez, que si los mandaba á los infiernos no quedaria tan satisfecho."—Osio MS.

and consequent great influence, it was dangerous to allow them to remain in the territory.<sup>1</sup> However this may have been, Alvarado had no idea of proceeding to extremities; and, after a few months of confinement, he allowed them to be released.<sup>2</sup>

Among the persons who figured in the troubles preceding Alvarado's rise, was Andres Castillero, afterwards noted as the discoverer of the New Almaden quicksilver mine. He was an adventurer, who had come to the country with Governor Chico. Having a little smattering of medical knowledge, he found employment as an army physician; but, without confining himself to any regular business, he held himself ready for any new enterprise and mixed in all the political agitations that were going on. Being a man of bright perceptive faculties, when the controversy between Alvarado and his enemies arose, he was not long in deciding upon the side which he would espouse. He sought an interview with Alvarado and proposed to go as an agent on his behalf to Mexico and use his endeavors to make an arrangement in his favor with the central government. Alvarado, who was as equally quick in recognizing talents as Castillero had been, immediately closed with the proposition; and on the first opportunity Castillero was sent off duly accredited.<sup>3</sup>

At Mexico it seemed to make very little difference who was governor of California, so long as the country retained its allegiance to the republic. The president had the power to name any one; but in June, 1838, he announced that he was willing to appoint whomsoever the people desired and suggested that some expression of preference should be made by the junta or deputation of the department.<sup>4</sup> Castillero, who had been instrumental in procuring this concession, soon afterwards procured a still further one in the formal appointment of Alvarado as political chief or "gobernador interino,"<sup>5</sup> and was himself appointed a commissioner and directed to return to California and see the orders of the government carried out.<sup>6</sup> He reached Santa Barbara on his return about the middle of November, bringing not

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<sup>1</sup> Cal. Archives, D. S. P. IV, 459, 460.

<sup>2</sup> Cal. Archives, D. S. P. IV, 534-536.

<sup>3</sup> Osio MS.

<sup>4</sup> Cal. Archives, S. G. S. P. XIV, 200, 201.

<sup>5</sup> Cal. Archives, D. S. P. S. Jose, V, 215, 216; D. S. P. Ang. XI, 506, 507.

<sup>6</sup> Cal. Archives, S. G. S. P. XIV, 320.

only Alvarado's commission but an appointment of Vallejo as "comandante-militar," thus legally confirming both in the offices they had hitherto held only by revolutionary title.<sup>1</sup> He also brought a general amnesty for political offenses of all kinds committed in California, and thereby effectually closed the door to further troubles on account of what was past.<sup>2</sup>

Alvarado, being now governor by indisputable right, issued a new proclamation, dated Santa Barbara, November 21, 1838, in which, after complimenting Castillero, he briefly announced the action of the supreme government and pledged himself, in the performance of the duties devolved upon him by his new appointment, to omit no care and to shrink from no sacrifice that might be necessary for the welfare of the department.<sup>3</sup> On December 10, he issued another proclamation calling upon the people, in view of the approaching elections for officers of the department, to bury in oblivion every kind of personal resentment and keep singly in view the future peace and advancement of the country.<sup>4</sup> On January 17, 1839, he issued a third proclamation calling for an election in accordance with the law of November 30, 1836. This law, which had hitherto had no effect in California, was intended to carry out the new system of government adopted by the Mexican constitution of 1836 and provided for the election in each of the departments, into which the republic had been divided, of a new legislative body to be known as a departmental junta, as well as a representative to the national congress. As has already been stated, the two Californias under that system had been in December, 1836, erected into a department;<sup>5</sup> and in June, 1838, when a new division of the republic into twenty-four great departments was made, they were again declared to constitute one of them, to be known as the "Department of the Californias."<sup>6</sup> It was for this reason that when Alvarado received his appointment of governor from the supreme government, he became governor not of Alta California alone but also of Baja California or in other words of the department of the Californias.

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<sup>1</sup> Cal. Archives, D. S. P. S. Jose, VI, 351, 352; S. G. S. P. XIV, 251.

<sup>2</sup> Cal. Archives, D. S. P. Mon. III, 189.

<sup>3</sup> Cal. Archives, D. S. P. Ben. Off. Cor. III, 33; D. S. P. S. Jose, VI, 357.

<sup>4</sup> Cal. Archives, D. R. X, 293.

<sup>5</sup> Cal. Archives, S. G. S. P. XII, 296.

<sup>6</sup> Cal. Archives, S. G. S. P. XXI, 289.

The proclamation of January 17, 1839, ordered the election in March following of an electoral college to meet at Monterey in May, and directed that San Francisco, San Jose, Branciforte, Monterey, Santa Barbara, Los Angeles and San Diego, each, should elect one member. It also provided for a representative from Baja California;<sup>1</sup> and soon afterwards Alvarado addressed a communication to the acting political chief of that portion of the department to take the proper measures for an election there.<sup>2</sup> At the same time, while thus busying himself with providing for the future, he had the satisfaction of receiving and publishing two interesting documents relating to the past. One was from Jose Antonio Carrillo and the other from Carlos Antonio Carrillo, his late rival, who had returned to Alta California. Both referred to the recent political convulsions and the orders, brought by Castillero from the supreme government, putting an end to them. Both expressed themselves satisfied with Alvarado's appointment and both tendered their unreserved adherence and obedience to him as legitimate governor.<sup>3</sup>

All the disturbances that had agitated the country having thus at length been quieted, and disaffection not only disarmed but even reconciled, Alvarado turned his attention to his civil office and soon put it in working order. He rose at four o'clock in the morning and labored by himself until seven, when he breakfasted. After breakfast, his secretary arrived; and the two continued to work until the business of the day was completely finished, the governor carefully reading and supervising everything that was done. He exhibited in the cabinet the same energy that he had displayed in the war-council and on the field. Osio, who was not disposed to be over-laudatory, summed up his merits in this respect by saying that, in point of activity and sedulous attention to the duties of his office, criticism itself could never justly find fault.<sup>4</sup>

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<sup>1</sup> Cal. Archives, D. S. P. S. Jose, V, 229.

<sup>2</sup> Cal. Archives, D. R. X, 236-238.

<sup>3</sup> Cal. Archives, D. R. X, 237; D. S. P. Mon. VI, 401, 402.

<sup>4</sup> "En punto á su actividad y atencion asidua á sus deberes, la crítica nunca tuvo justo alimento."—Osio MS.



## CHAPTER XII.

### ALVARADO (CONTINUED).

TO GIVE complete effect to the orders received by the hands of Castillero from Mexico and, by a strict compliance with all their provisions, to restore California to its old position as an integral and loyal part of the Mexican republic, Alvarado, as soon as circumstances would allow, called an extraordinary session of the old territorial deputation. This body, though about to be superseded by the new departmental junta, was still the only legislative authority of the country.<sup>1</sup> It was the same territorial deputation which at the end of 1836, upon the expulsion of Gutierrez and the proclamation of the free and sovereign state of Alta California, had resolved itself into the constituent congress of the new state; but afterwards, when Alvarado made up his mind that the only safety of the country was to remain a part of the Mexican nation and the name of "free and sovereign state" was dropped, the name of "constituent congress" was also dropped and the old name of deputation re-adopted. The body met at Monterey on January 25, 1839. There were present, besides the governor himself, Antonio Buelna, Jose Antonio de la Guerra y Noriega, Jose Ramon Estrada and Antonio Maria Osio.<sup>2</sup> Manuel Jimeno Casarin came a few days afterwards. Pio Pico was detained at San Luis Rey by sickness.<sup>3</sup>

Alvarado opened the sessions with an address, in which he stated the objects to be: first, the nomination of a "terna" or list of candidates for the office of "gobernador propietario" of the department of the Californias; secondly, the division of the department into districts and of the districts into "partidos" or

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<sup>1</sup> Cal. Archives, D. S. P. Ben. Off. Cor. III, 42, 43.

<sup>2</sup> Cal. Archives, L. R. III, 222.

<sup>3</sup> Cal. Archives, D. S. P. IV, 579, 580.

sub-districts; thirdly, the determination of the number of justices of the peace; fourthly, the fixing of the salaries of the prefects, and lastly, the regulation of the approaching elections.<sup>1</sup> The next day, he called attention to the urgent necessity of proceeding at once to the division of the department into districts and sub-districts and the appointment of prefects and sub-prefects over them; and at the same time he presented a plan of division, which was immediately referred to a committee and the next day reported back with approval and adopted. The department was thereby divided into three districts; the first extending from the frontier of Sonoma to the ex-mission of San Luis Obispo inclusive, with the pueblo of San Juan de Castro, as the ex-mission of San Juan Bautista was then called, as its capital; the second extending from San Luis Obispo to San Domingo south of San Diego inclusive, with the ciudad or city of Los Angeles as its capital; and the third extending from San Domingo to San Jose del Cabo inclusive, with La Paz as its capital. The northern and central districts were each divided into two sub-districts, the first at the Rancho de Las Llagas near the present town of Gilroy, with San Juan de Castro as capital of the first or southern sub-district and the "Establishment of Dolores" as capital of the second or northern one; and the second divided at San Fernando, with Santa Barbara as capital of the first or northern sub-district and Los Angeles of the second or southern one. The third district was left undivided, until further information should be obtained as to what arrangement would best suit that part of the country.<sup>2</sup>

In the foregoing plan, Alvarado had fixed upon the "Establishment of Dolores" as the capital of the most northerly of the sub-districts. This "Establishment" was the ex-mission of Dolores, sometimes called the "Pueblo of Dolores"<sup>3</sup> and sometimes the "Pueblo of San Francisco." The mission had, in point of law, been converted into an Indian pueblo, the same as the other missions of the country; but in point of fact, no organization as such pueblo had ever taken place. Still, being ordi-

<sup>1</sup> Cal. Archives, L. R. III, 224.

<sup>2</sup> Cal. Archives, D. S. P. IV, 589-591; L. R. III, 228-230, 244-246; D. S. P. S. Jose, V, 245; D. S. P. Ang. V, 606; S. G. S. P. XV, 127.

<sup>3</sup> Cal. Archives, L. R. II, 288.

<sup>4</sup> Cal. Archives, D. S. P. IV, 380, 381.

narily spoken of and regarded as a pueblo, it was named as the capital—much to the dissatisfaction of the old and regularly organized pueblo of San Jose. The latter, in compliment to the new governor, had adopted his name and was then generally known as “San Jose de Alvarado;”<sup>1</sup> but this, as it appears, was not regarded by him as a sufficient reason to prefer it to the more central location of Dolores. However this may have been, the people of San Jose protested against Dolores and presented a formal demand of the honor of being made the capital for their own pueblo. Alvarado declined to make any change, but reserved the subject as a proper matter of consideration for the action of the next departmental junta.<sup>2</sup>

The principal object of this division of the department into districts and sub-districts was for judicial and police purposes. Under the Mexican law of December 29, 1836, each district was to have a prefect, nominated by the governor and confirmed by the general government, who was to hold office for four years and whose duty it was to be to maintain public tranquillity in subjection to the governor, execute departmental orders, supervise ayuntamientos and regulate everything pertaining to police; and each sub-district was to have a sub-prefect, nominated by the prefect and approved by the governor, whose duties should be similar to those of the prefect and who was to act in subjection to him. There were to be ayuntamientos in the capital of the department, in every place where there had been such in 1808, in seaports having a population of four thousand and in every pueblo having a population of eight thousand inhabitants. These ayuntamientos were to consist of *alcaldes* or magistrates, “*regidores*” or councilmen, and “*sindicos*” or collectors, elected by the people—the number to be determined by the departmental junta but not to exceed six *alcaldes*, twelve councilmen and two collectors for any one ayuntamiento. The ayuntamientos were to watch over the public health, prisons, hospitals, public benevolent institutions and schools; over roads, highways and bridges; over the administration of public moneys raised by taxes, licenses and rents of municipal property; also to promote agriculture, industry and commerce, and to assist in the preservation of public order. The *alcaldes* were to have

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<sup>1</sup> Cal. Archives, D. S. P. S. Jose, VI, 354; D. S. P. IV, 595.

<sup>2</sup> Cal. Archives, D. S. P. IV, 596–598.

judicial jurisdiction in what were known to the civil law as cases of conciliation, in oral litigations, in preliminary proceedings both civil and criminal, and in such cases as might be intrusted to them by the superior tribunals. In places not large enough for ayuntamientos, there were to be justices of the peace, proposed by the sub-prefects, nominated by the prefects and approved by the governor, the number to be determined by the departmental junta; and their duties and jurisdiction were to be similar to those of the *alcaldes* and ayuntamientos in the larger places.<sup>1</sup>

The next business taken up by the deputation was the nomination of candidates for the office of "gobernador propietario" or what had then begun to be called that of constitutional governor. In accordance with the law upon this subject, three persons were to be named, out of whom the president of the republic was to choose that officer. The vote was taken on March 6 and resulted in the choice of Juan Bautista Alvarado for the first place, Jose Castro for the second, and Pio Pico for the third.<sup>2</sup> The "terna" or list containing these names, and in the order indicated, was immediately transmitted to Mexico; and, after some further business of less general interest, the deputation adjourned. As soon as it had done so, Alvarado, to comply promptly with the duty devolved upon him of nominating prefects, named Jose Castro for the first district, Cosme Peña for the second, and Luis Castillo Negrete for the third, and sent the nominations to Mexico with those for governor.<sup>3</sup>

It does not appear that Alvarado indulged in any remarks upon his nomination. Though he had managed public affairs with skill and success, guided the revolution to a safe issue, not only disarmed but reconciled his enemies, and brought discordant elements into harmony, he had nothing to say. But his silence did not prevent his friends from congratulating him and themselves upon the happy effects of his policy. Jose Castro, in particular, upon taking possession of his office of prefect, was profuse in his expressions of satisfaction. He rejoiced in the re-establishment of order, the consummation of his desires in seeing a son of the soil wielding the destinies of the country, the respect which the general government had been induced to

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<sup>1</sup> Dwinelle, App. 100.

<sup>2</sup> Cal. Archives, L. R. III, 233.

<sup>3</sup> Cal. Archives, M. IX, 320; D. S. P. Ang. V, 600.

manifest for California, and the prospect of a prosperous future, which the prudence, ability and patriotism of the new governor rendered so flattering.<sup>1</sup>

Of the prominent friends of Alvarado, there was one, however, who had or soon found much to complain about. This was Vallejo. He was "comandante-militar" or military commandant of Alta California and had been confirmed as such by the general government. There can be no doubt that he owed his position more to Alvarado than to any special service he had performed; but this did not prevent him from feeling and expressing very great dissatisfaction with various things that Alvarado did or omitted to do. On one of these occasions the governor had found it advisable to discharge certain officers and soldiers from the military service, and he did so without asking Vallejo's advice. This roused the comandante's ire, and he protested loudly.<sup>2</sup> On another occasion, not long afterwards, a soldier at Santa Barbara was tried and punished for some offense by a civil magistrate; and this again touched the comandante's dignity. He claimed that the jurisdiction over soldiers belonged only to his department; and he characterized the whole proceeding as an outrage upon what he called the "divine right of the military."<sup>3</sup> But most of all was the comandante's spirit fired by the apathy of Alvarado under the taunts of France. In 1839, news came that France had declared war against Mexico and bombarded Vera Cruz; and the French newspapers boasted that the French flag would soon flutter from the southernmost Mexican seas to the northernmost ends of the Californias. Whatever Alvarado may have thought, he did not deem it necessary to make any reply to these boasts but remained silent. Vallejo, on the other hand, finding that the government had nothing to say, determined to show that he, at least, was not disposed to submit tamely to such insults. He accordingly, on June 12, 1839, from his head-quarters at Sonoma, issued a furious proclamation against the French government, charging it with attempting to tarnish the glories, outrage the rights and imperil the liberties of the Mexican nation. He therefore called upon his fellow citizens to unite with him and march to the

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<sup>1</sup> Cal. Archives, D. S. P. IV, 593-595.

<sup>2</sup> Cal. Archives, D. S. P. IV, 619-623.

<sup>3</sup> "Ultrajando así el fuero divino de la milicia."—D. S. P. IV, 674-676.

defense of the country; and he promised them a glorious victory over the haughty invader who had impudently sought to overwhelm them with opprobrium.<sup>1</sup> But, unfortunately for the prospect thus held out of giving France a thorough drubbing, the ink with which this vengeful proclamation was printed was scarcely dry when further news arrived that an honorable peace had been concluded between Mexico and the king of the French.<sup>2</sup>

Whether it was the project of chastising France, as indicated in his proclamation, or whether it was the feeling not entirely wanting to epaulet-wearing gentry in general, which regards the military as the most deserving branch of the public service, it is unimportant to inquire; but it is certain that Vallejo, in his zeal to magnify his own department and subordinate every other interest of the country to its advancement, annoyed Alvarado a great deal with ill-timed and exorbitant demands. He had previously urged the foundation of a military establishment at Santa Rosa and had taken some steps towards founding it;<sup>3</sup> but he now insisted upon attracting the undivided attention of the government to military affairs and rendering the whole country tributary, so to speak, to the "comandancia-militar."<sup>4</sup> Finding that Alvarado was not disposed to yield to his demands from Sonoma, he went to Monterey and procured an interview; but he was no more successful in face-to-face solicitations than by letter.<sup>5</sup> He returned to Sonoma in high dudgeon; talked of carrying his complaints to the capital at Mexico; insisted that the country was on the swift road to ruin, and pronounced the peace and tranquillity of the department delusive and destined to be of short duration.<sup>6</sup>

Meanwhile the "terna" or list of nominations for governor, together with other communications from Alvarado, reached the general government at Mexico. They proved entirely satisfactory to the administration there. On August 6, the minister of

<sup>1</sup> "Y yo os aseguro que concentradas así nuestras fuerzas y uniformada la opinión todos de acuerdo, repeleremos á los que con oprobio quieren humillarnos."—D. S. P. S. Jose, VI, 356.

<sup>2</sup> Cal. Archives, D. S. P. Ang. V, 390.

<sup>3</sup> Cal. Archives, D. S. P. IV, 617, 618.

<sup>4</sup> Cal. Archives, D. S. P. IV, 685-687.

<sup>5</sup> Cal. Archives, D. S. P. IV, 716-720.

<sup>6</sup> Cal. Archives, D. S. P. IV, 722-724.

the interior announced the termination of the revolution in California as due to the efforts of Alvarado and Castillero;<sup>1</sup> and the next day, in further recognition of Alvarado's services and in approval of the choice of the people, President Bustamante appointed him "gobernador propietario" or constitutional governor of the department or, in other words, of the two Californias. News of the appointment reached Monterey in September.<sup>2</sup> There was general satisfaction with the appointment throughout the country and Los Angeles was especially loud in its demonstrations. The ayuntamiento of that place appointed a day of jubilee in honor of the event; and when the name of the new constitutional governor was formally announced, it was greeted with cheers and hurrahs from the entire population. A salute of thirty-three guns was fired; and there was a grand illumination at night.<sup>3</sup> Alvarado himself, however, was unable to take part in any of the festivities. He had begun to suffer from a series of attacks of illness, which frequently obliged him to relinquish business; and on this occasion, one of them not only kept him confined to his house but prevented him from taking possession of the government under the new appointment until November 24, 1839, on which day he was sworn in and resumed labor.<sup>4</sup>

At the same time with news of Alvarado's appointment as constitutional governor, came also news of the confirmation of Jose Castro as prefect of the first district and Luis Castillo Negrete as prefect of the third. The nomination of Cosme Peña, who had been named prefect of the second, was not approved.<sup>5</sup> This, however, may have been because of Peña's bad health, on which account he had, soon after his nomination, transferred the office to Jose Tiburcio Tapia, first alcalde of Los Angeles, who exercised it in his place.<sup>6</sup> Among the functions of the office of prefect, one of the most important was the supervision over alcaldes and justices of the peace who exercised in substance all the judicial power of the country and some of

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<sup>1</sup> Cal. Archives, D. S. P. Ang. XII, 163, 164.

<sup>2</sup> Cal. Archives, D. S. P. IV, 695, 696; D. S. P. Ang. XII, 146-148.

<sup>3</sup> Cal. Archives, D. S. P. Ang. V, 667-669.

<sup>4</sup> Cal. Archives, D. S. P. Mon. V, 67; D. S. P. Ang. V, 846½; D. S. P. Ang. XII, 220-224.

<sup>5</sup> Cal. Archives, D. S. P. Ang. V, 600.

<sup>6</sup> Cal. Archives, D. S. P. Ang. V, 124.

whom acted as judges of first instance.<sup>1</sup> Castro, however, being essentially a military man, devoted his attention almost exclusively to military affairs and soon after his appointment as prefect busied himself with a proposed campaign to quell Indian disturbances on the southern frontier.<sup>2</sup> Negrete and Tapia, on the other hand, attended more especially to their supervisory duties; and Tapia in particular is entitled to the credit of not flinching in this delicate kind of business. Finding that one of the alcaldes of Los Angeles winked at infringements of the laws of that place against selling liquor on Sunday, he promptly arraigned and punished him by a sound fine for his neglect of duty.<sup>3</sup> In this, however, he but followed the example of Alvarado, who had treated the justices of the peace at Monterey in the same manner for a similar neglect of duty a short time previously.<sup>4</sup>

In March, 1839, the primary elections of that year were held in accordance with the proclamation of the governor. The electoral college, then chosen, met at Monterey on May 1 and elected Andres Castillero delegate to the Mexican congress and Antonio Maria Osio substitute. Two days afterwards it elected, as members of the new departmental junta, Manuel Jimeno Casarin, Jose Tiburcio Castro, Anastasio Carrillo, Rafael Gonzalez, Pio Pico, Santiago Arguello and Manuel Requena, with Jose Castro, Jose Ramon Estrada, Ignacio del Valle, Carlos Castro, Ignacio Martinez, Jose de Jesus Vallejo and Antonio Maria Pico as substitutes.<sup>5</sup> The junta, thus elected, met at Monterey on February 16, 1840. Alvarado presented a long and interesting message, in which he sketched the condition of the country and pointed out the various branches of public affairs that needed legislative attention. Among these he specified general police regulations; the demarcation of municipal lands, it appearing that Monterey alone had its commons marked out; regulations concerning justices of the peace and ayuntamientos; the encouragement of agriculture and commerce and particularly of public education; the organization of a supe-

<sup>1</sup> Cal. Archives, D. S. P. Ang. V, 657, 658.

<sup>2</sup> Cal. Archives, D. S. P. Ang. V, 123.

<sup>3</sup> Cal. Archives, D. S. P. Ang. V, 743, 744, 757, 758.

<sup>4</sup> Cal. Archives, D. S. P. Mon. V, 36, 37.

<sup>5</sup> Cal. Archives, L. R. III, 257, 302, 303; D. S. P. S. Jose, V, 252; D. S. P. Mon. III, 192; VI, 413.



rior tribunal of justice, and the arrangement of a proper system of public finances.<sup>1</sup> The junta proceeded to consider the recommendations of the governor and, as a matter of prime importance, elected Juan Malarin, Jose Antonio Carrillo, Jose Antonio Estudillo and Antonio Maria Osio ministers of justice and Juan Bandini fiscal.<sup>2</sup> There was, however, much delay in completing arrangements for the court, which they were to constitute; and it was not fully organized until some time afterwards.

Towards the end of March Pio Pico disturbed the general harmony by introducing his pet proposition to change the capital from Monterey to Los Angeles. It was a subject which had already caused much contention and was destined to cause much more. He claimed that the supreme government in 1835 had ordered the city of Los Angeles to be the capital, and demanded that its decree should be complied with. Jimeno Casarin replied that a later decree had authorized the executive of the department to locate the capital where it thought proper; that the executive, by refusing to make any change, had virtually fixed it at Monterey, and that the supreme government, by directing all its communications to that place, had very plainly recognized it as the capital. After much discussion and on a close vote, Pico's proposition was rejected and ordered returned to its author.<sup>3</sup> This action was exceedingly distasteful to that individual. He became disrespectful and obstreperous and, when called to order, withdrew in disgust and declared that he would not return.

This conduct on the part of Pio Pico, and certain recent action on the part of Mariano Guadalupe Vallejo, who on account of his disgusts, already referred to, was scheming against the administration, and similar action on the part of Jose Antonio Carrillo, who though just named second minister of justice was entirely dissatisfied and took occasion to publicly abuse the government, induced Alvarado to call an extraordinary and secret session of the junta on April 1 for the purpose of settling accounts with those persons. When it convened, he made a statement of what had occurred and remarked that, though the government regarded the schemes of its enemies as of small importance, yet

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<sup>1</sup> Cal. Archives, L. R. III, 338-349.

<sup>2</sup> Cal. Archives, L. R. III, 361; D. S. P. Ang. X, 156.

<sup>3</sup> Cal. Archives, L. R. III, 366.

it might be prudent to take some measures of precaution against them, and that at all events it was due to the junta to vindicate its dignity against their insults.<sup>1</sup>

The subject being referred to a committee, consisting of Casarin and Arguello, they reported that Vallejo was evilly-disposed but afraid of taking responsibilities;<sup>2</sup> that Carrillo, when appointed minister of justice, was supposed to be an adherent of the government as he had publicly professed, but, if he were unwilling to perform his duties as a good citizen, he ought to be punished as a bad one; and that as to Pico's contemptuous conduct, it should be left to the discretion of the governor to apply such fine and other correction as he thought proper. They further reported and recommended, and the junta ordered, that, in view of possible disturbances by Vallejo or the others, the governor might at any time call for such armed force and take such other measures as he should find necessary to sustain the honor and dignity of the government, at the same time providing for the equipment and pay of any such force as might be raised.

The prompt action of the junta accomplished the object designed. Vallejo, the first offender, immediately changed his tone. Though he complained that his services as comandante, on account of the want of forces, were useless to California, he protested that he was ready with his single sword to augment the ranks of the country's defenders, and that the junta and the government could always count upon him to protect their honor and integrity.<sup>3</sup> Pico, the next offender, was, at the suggestion of the governor, summoned before the junta in such a manner that he did not deem it safe to resist; and, upon his submission and apologizing for his conduct, the fine and punishment, which would otherwise have been imposed, were withheld.<sup>4</sup> Carrillo, the third offender, was subsequently arrested at Los Angeles for alleged conspiracy, the specific charge being that he had incited rebellion against the departmental government in favor of his brother Carlos and in connection with Ensign Macedonio Gon-

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<sup>1</sup> Cal. Archives, L. R. III, 454-459.

<sup>2</sup> "Sus miras son siniestras y procura ocultarlas porque teme la responsabilidad."  
—Cal. Archives, L. R. III, 461.

<sup>3</sup> Cal. Archives, D. S. P. V, 7, 8.

<sup>4</sup> Cal. Archives, L. R. III, 465, 466.

zalez of Lower California. There was a great noise made over the affair and many official papers written in regard to it. He indignantly denied the accusation and insisted that his accuser was none other than a low and despicable foreigner named Joaquin Pereira, a Portuguese doctor, who was entirely unworthy of credit. Though his friends offered bail for his appearance, he was kept under a strict guard until an investigation could be had. It then appeared that his characterization of his accuser was substantially correct. The government was at any rate not disposed to be severe and soon allowed him his personal freedom; and a year or two afterwards, when the troubles that gave rise to his arrest were almost forgotten, it not only acquitted but expressly restored him to his former good name, fame and reputation.<sup>1</sup>

Another danger and a more serious one, perhaps, than any which Vallejo, Pico or Carrillo could have occasioned, threatened Alvarado from Branciforte and its neighborhood. An American backwoodsman, named Isaac Graham, one of the numerous trappers who had found their way across the country into California, had settled down at the edge of the forest near that place. Being tired of hunting and not fond of agriculture, he had turned his attention to the making and sale of aguardiente. Though a man entirely without education, he had enterprise and intelligence. He also possessed a considerable amount of personal magnetism and by degrees assumed the position of a leader among the rough characters of the vicinity, composed mostly of trappers like himself, deserters from whalers and merchant-ships that had visited the coast and vagabonds of every description. All these men were not only expert with the rifle but were good woodsmen and perfectly able, if so disposed, to suffer fatigue and endure hardships. They had formed themselves into a sort of military company of riflemen and named Graham their captain. When Alvarado raised the standard of revolution against Gutierrez, he negotiated with them; and, though they do not appear to have been at any time actually called into action, except perhaps a few who marched with him in his campaign against his rival Carrillo, it was understood that they were on

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<sup>1</sup> Cal. Archives, D. S. P. Ang. III, 182-228, 581, 582; D. S. P. V, 122, 123, 228, 278-281; XVIII, 399-408; D. S. P. Ang. XII, 400, 401; D. R. XIII, 71.

his side; and the moral influence of this understanding throughout the country was almost equal to their real presence under his banner.

Notwithstanding the fact that none of the crowd had passports or licenses to live in the country, it is exceedingly unlikely that any of them would ever have been disturbed if they had otherwise conformed to the laws and remained quiet. But they were a disorderly crew and when excited with Graham's liquor—a kind of whisky made out of wheat<sup>1</sup>—were continually creating disturbances. As they grew in numbers and observed themselves to be becoming a factor of importance in the country, and especially in view of the late achievements of the American settlers in Texas who had declared their independence of Mexico and maintained it by force of arms, they began to assume self-sufficient and arrogant airs and render themselves exceedingly disagreeable to the authorities. Whether they ever in fact contemplated attempting a revolution and seizure of the country is a matter of considerable doubt; but it seems certain that their conduct was very reprehensible. At any rate there can be no doubt that about the beginning of 1840 Alvarado was informed and believed that they contemplated a revolution; and on the strength of this information he immediately ordered Jose Castro, the prefect, to arrest them; convey them to Monterey; ship them to Mexico, and there deliver them over to the supreme government to be dealt with as it might deem proper.<sup>2</sup>

Castro proceeded with celerity to execute the orders he had thus received. He surprised Graham and his associates in their houses and marched them off in short order to Monterey. There the national bark *Joven Guipuzcoana*, under the command of Jose Antonio Aguirre, had been made ready for their reception.<sup>3</sup> They were marched on board at once. Castro took passage on the same vessel for the purpose of prosecuting them before the Mexican government as well as of guarding them on the way; and, as soon as the necessary arrangements could be completed, the ship sailed.

Upon its departure, seven of Castro's comrades headed by Jose Maria Villa thought proper to issue an extraordinary

<sup>1</sup> "Aguardiente de trigo."—Cal. Archives, D. S. P. V, 38.

<sup>2</sup> Cal. Archives, D. R. XI, 58-61; D. S. P. Ang. XII, 337-340.

<sup>3</sup> Cal. Archives, D. S. P. V, 15, 16.

proclamation, bearing date May 8, 1840. Their object seems to have been to recommend and endorse their chief. They commenced with the words: "Eternal glory to the illustrious champion and liberator of the Department of Alta California, Don Jose Castro, the guardian of order and the supporter of our superior government." They then declared that that day was, and would forever be, held glorious by the inhabitants of California as the one in which their fellow countryman had gone to present to the supreme government of the Mexican nation a grand prize of American suspects, who, filled with ambition but under the dark mask of deceit, had been enveloping the people in webs of misfortune and disgrace, involving them in the greatest dangers and confusions, conspiring to destroy the lives of their governor and his subalterns and threatening to drive them from their asylums, their country, their pleasures and their hearths. The vessel, they went on to say, in which the valorous hero was carrying out his great commission, was covered with laurels, crowned with triumphs and went plowing the seas and publishing in loud tones to the waves their vivas and rejoicings which would resound to the uttermost bounds of the universe. In view of the distinguished services thus rendered by their chief, it was their duty, they continued, to treasure him in the centers of their hearts and in the depths of their souls and to make known, in the name of all the inhabitants, the exceeding joy with which they were filled; at the same time giving to the superior government the present proclamation made in honor of that worthy chief, and assuring the governor that, notwithstanding the well-deserving Castro might be absent, there still remained subject to the orders of the government all the subscribers, his compatriots, friends and companions in arms.<sup>1</sup>

As has been said, it is a matter of considerable doubt whether any regular plan of revolution had in fact ever been formed by Graham. Alfred Robinson states that there were no facts to prove anything of the kind. He reports Alvarado as saying: "I was insulted at every turn by the drunken followers of Graham; and when walking in the garden, they would come to its wall and call upon me in terms of the greatest familiarity, 'Ho! Bautista, come here, I want to speak to you'—'Bautista here'—'Bautista

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<sup>1</sup> Cal. Archives, D. S. P. V, 29, 30.

there'—and 'Bautista everywhere!'"<sup>1</sup> All this or something like it may have been true; and yet the inference, suggested by Robinson and drawn by some of his readers, that the arrest and expulsion were therefore instigated by offended dignity, does not by any means necessarily follow. Such a supposition hardly comports with Alvarado's known character, shown during a long life and exhibited on many trying occasions. Nor is it likely that a man who wielded, as he did, almost unlimited power, whose dicit in his sphere was equal to that of a Cæsar, could have found any difficulty in preserving all the dignity he desired. Unlettered men, like Graham and his associates, feel a natural respect for their superiors and particularly for their superiors in high official position. The supposition, consequently, that offended dignity was the motive that induced Alvarado to order Graham's arrest is scarcely entitled to consideration. In fact Robinson himself admits that Alvarado was firmly persuaded of an intention on the part of Graham to revolutionize the country. On the other hand, it appears from a proclamation, issued by Cosme Peña at Los Angeles in May, 1840, that the Branciforte ill-doers had resisted the alcalde of that place; that the alcalde had complained to the government; that the government had cautioned them; that instead of obeying they had armed themselves and defied the authorities, and that it was in consequence of this and their threats that they had been arrested.<sup>2</sup> Antonio Maria Osio also states that when William Chard, one of Graham's associates, was arrested, he exhibited abject fear; confessed that he had conspired against the government; begged not to be shot, and offered to inform on all his associates.<sup>3</sup>

About thirty days after the sailing of Castro and his prisoners, the United States corvette *St. Louis*, Captain J. B. Forrest, arrived at Monterey from Mazatlan. On June 14, Captain Forrest addressed a letter to Alvarado, stating that he had been informed of a very cruel outrage committed in the country against the persons and property of certain American citizens; that they had been seized, put in irons, thrown into a horrible prison, confined there fourteen or fifteen days and then placed on board a ves-

<sup>1</sup> Robinson, 184.

<sup>2</sup> Cal. Archives, D. S. P. Ang. V, 24. This paper bears the date of "May 2, 1839," evidently a mistake for May 2, 1840."

<sup>3</sup> Osio MS.

sel under strict guard and shipped to San Blas; that of these persons Mr. Isaac Graham and Mr. Henry Naile, both respectable and peaceful citizens of the United States employed in extensive commercial business, had been seized by armed men at night in their private chambers and haled forth like criminals; that Naile had been seriously wounded; and that the house in which they had their residence and property, being left without protection, had been sacked and robbed of everything of value. Captain Forrest further stated that, according to his information, the authors of this inhuman and atrocious act had been allowed to go free, without any legal proceedings being taken against them. Under the circumstances, he considered it his duty to request his Excellency to cause their immediate arrest and to institute a full, impartial and public investigation as to their conduct.<sup>1</sup>

Alvarado answered a few days subsequently. He said that within a few years past a number of foreigners had entered the country without the formalities required by law; that most of them were deserters from vessels which had arrived on the coast—some belonging to one nation and others to others; that by the laws of Mexico the government was authorized to remove all such persons from the territory and had exercised legitimate powers in sending them to the disposition of the supreme government of the nation; that, in the absence of war vessels or authorized agents of the nations to which such persons belonged and to whom they might otherwise have been delivered, such removal to Mexico was the best disposition that could be made; that some of the persons so removed were thieves and robbers and were found in possession of large numbers of horses which had been stolen; that Isaac Graham, to whom particular reference had been made, had been arrested by competent authority on an accusation of conspiracy in connection with three other individuals to overthrow the government; that his arrest had been resisted by himself and his companions, and it was only in making such resistance that Naile had been wounded; that the property of the arrested persons had been secured and inventoried in the presence of witnesses and what had not already been restored was only held because no properly authorized per-

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<sup>1</sup> Cal. Archives, D. S. P. V, 44-46.

son had asked for it; that Graham was neither a peaceable nor a respectable citizen; that his business, instead of being such as Captain Forrest had been informed, was none other than an illegal traffic in aguardiente, which gathered around him a crowd of vicious neighbors and daily occasioned the most scandalous disorders; that he had been cautioned by the justices of the peace but only answered with threats and in every way abused the hospitality he had received in the country, and that, so far as a judicial investigation was concerned, the charges against Graham and the other accused persons had been regularly made out and transmitted with the prisoners for trial before the supreme tribunal of the republic at Mexico. The facts—he continued—would convince Captain Forrest that there had been no such outrage or attack upon the persons or property of citizens of the United States as he had been informed; and, if the government had been provoked to enforce the rigor of the law, it was only against a pernicious class of vagabonds, deserters and horse-thieves. There were numerous citizens of the United States, as well as other foreigners, in the country; and, as long as they pursued any honest industry, there was no disposition on the part of the government to disturb them, even though they had no licenses; nor would Graham and his associates have been disturbed if they had been of the class thus represented. In conclusion, he protested that he was as desirous as any one could be to respect and protect the citizens of the United States as well as all others in their rights of person and property; to comply in all particulars with everything prescribed by treaty or the law of nations, and to preserve undisturbed and uninterrupted the relations of friendship and reciprocity hitherto existing between Mexico and the United States.<sup>1</sup>

This answer seems to have ended the correspondence between Forrest and Alvarado. But about the beginning of July Alvarado went to San Jose and while there he received a communication from David Spence, who as alcalde had been left in charge of Monterey, stating that Captain Forrest desired to know when he would return. Spence further wrote that there had been rumors current of an intended attack by Forrest upon the town and a seizure of the person of the governor; but that Forrest

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<sup>1</sup> Cal. Archives, D. S. P. V, 36-41.



himself had assured him that there was not a word of truth in the rumors; that he not only had no intention but no authority to make any attack; that, on the contrary, he was about to depart with his vessel from Monterey, and that he desired, before leaving, the pleasure of an interview with the governor to personally manifest to him his friendship and give him proofs that the injurious reports that had been circulated were entirely without foundation.<sup>1</sup> Alvarado replied that, as Spence very well knew, the disturbed state of the interior required his presence at San Jose and other more remote points; that he ought to have left Monterey much earlier than he did, but had delayed twenty days for the purpose of answering any further communication that Captain Forrest might have desired to make, and that if he had waited longer the consequences of neglecting the interior might have been disastrous. He begged Spence to inform Captain Forrest of the facts; to tender his regrets at not being able to meet him as proposed; to make a ceremonial visit in his name; and to assure him that, so far as the rumors to which reference had been made were concerned, he did not consider them worthy of notice.<sup>2</sup>

The Graham party, so called, which had been arrested by Castro and his soldiers, consisted of about sixty persons; but not more than forty-five had been placed on board the *Joven Guipuzcoana* and sent to San Blas. Of these, only Graham himself and three or four others were charged with conspiracy. The others appear to have been sent off as general bad characters, dangerous to the peace of the territory. But in each case regular charges were formulated and transmitted to the minister of the interior. Alvarado also wrote a very lengthy document explaining the charges; and for proofs reference was made to the testimony which would be furnished by Castro, who had been duly accredited as a commissioner to the supreme government.<sup>3</sup>

When the *Joven Guipuzcoana* arrived at San Blas, the comandante of that place, on account of some misunderstanding, ordered the arrest of Castro; and he was for a few hours thrown into prison. News of this arrest reached California by the bark

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<sup>1</sup> Cal. Archives, D. S. P. V, 47.

<sup>2</sup> Cal. Archives, D. S. P. V, 48, 49.

<sup>3</sup> Cal. Archives, D. R. XI, 222-228.

Clarita in July and caused great excitement.<sup>1</sup> But in September, upon the return of the Joven Guipuzcoana, it was ascertained that the imprisonment had not only not been made upon the order of the government, but that on the contrary, as soon as the government at Mexico had been informed of Castro's arrival, it had invited him to come directly to the capital.<sup>2</sup> His prisoners, in the meanwhile, were removed to Tepic and incarcerated there. As soon as the government could look into their cases, it ordered Isaac Graham, Albert Morris, William Chard and Jorge Jose Bonilo, who were charged with conspiracy and attempted revolution, to be kept in close confinement; while of the others, such as were married with Mexican women should be released on giving bonds, and the rest expelled from the country, care being taken that they should not return to California.<sup>3</sup> Subsequently, however, at the solicitation of the United States envoy-extraordinary, this sentence was modified as to Louis Pollock, John Higgins, William Boston, George Fraser and Charles H. Cooper, who were granted letters of security and allowed to return to their former residences.<sup>4</sup>

In December Alvarado addressed several other communications to the minister of the interior, setting forth the events which had occurred in California after Castro's departure and especially his correspondence with Captain Forrest. He explained that soon after the interchange of letters but before Captain Forrest sailed, he had been obliged to leave Monterey on account of information that a party of adventurers from the United States had stolen three thousand horses belonging to the missions of San Luis Obispo and San Gabriel and various private ranches and were threatening further depredations; and that when he returned to Monterey he found Captain Forrest had gone, leaving however a Mr. E. Estabrook as consular agent of the United States at Monterey. He further explained that he had corresponded with Estabrook and pointed out to him the informality of his appointment; and he also transmitted that correspondence. But the matter of most importance and to

<sup>1</sup> Cal. Archives, D. S. P. Ang. XII, 365, 366.

<sup>2</sup> Cal. Archives, D. S. P. Ang. III, 203-205; D. S. P. Ben. P. & J. VI, 780-784.

<sup>3</sup> Cal. Archives, D. S. P. Ang. VI, 198-201; XII, 460-462; S. G. S. P. XVI, 112-114; D. R. XII, 35, 36; D. S. P. S. Jose, V, 414-415.

<sup>4</sup> Cal. Archives, S. G. S. P. XVI, 152, 153.

which he desired to call especial attention, was the care and circumspection it was necessary to exercise in reference to the statements of such prisoners as had been discharged from arrest, for the reason that those persons would imagine that they could make great fortunes in the way of reclamations against the Mexican nation, and they would not hesitate to attempt it.<sup>1</sup>

Graham and his special associates remained in Mexico until the summer of 1842, when they were discharged. As several of them were citizens of the United States and the others of Great Britain, and as the representatives of those nations interfered and insisted that there was nothing shown to justify their arrest and detention, the Mexican government deemed it prudent and politic not only to release the prisoners but to fit them out in fine style, pay all their expenses and send them back to California in a government vessel. Accordingly when they landed at Monterey on their return in July, 1842, they were neatly dressed, armed with rifles and swords and looked in much better condition than when they were sent away—or probably than they had ever looked in their lives before.<sup>2</sup>

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<sup>1</sup> Cal. Archives, D. R. XI, 235-242.

<sup>2</sup> Robinson, 187, 188.

## CHAPTER XIII.

### ALVARADO (CONTINUED).

THE disturbances, which had led to the arrest of Graham and his associates, called the especial attention of the departmental government to the subject of foreigners in the country. Lists were made out in the summer of 1840 for the purpose of giving all the information that could be procured. From these lists it appeared that there were sixteen foreigners permanently residing at San Francisco, not including Richardson who was then at Saucelito;<sup>1</sup> thirty-one at San Jose;<sup>2</sup> ten at Branciforte;<sup>3</sup> about thirty at Monterey; thirty at Santa Barbara;<sup>4</sup> twenty-three at Los Angeles,<sup>5</sup> and seven at San Diego.<sup>6</sup> These lists included only those who had been naturalized or who were licensed to reside in the country. There were numerous others, chiefly Americans, who had come and remained without permission. These were scattered in various quarters, but chiefly north of the bay of San Francisco. Some were hunters and trappers and a few made a sort of business, with vagabond Mexicans, of horse-stealing, which appears to have been a comparatively safe occupation for all except Indians. The latter were usually pursued and as many shot down as could be. In June, 1839, the ghastly head of one of them, who had been decapitated, was stuck up as a warning in the plaza of Santa Clara.<sup>7</sup> In April, 1840, Vallejo, in giving an account of a bloody expedition which he had just conducted against Indians in the neighborhood of

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<sup>1</sup> Cal. Archives, D. S. P. XVII, 305, 306.

<sup>2</sup> Cal. Archives, D. S. P. XVII, 160.

<sup>3</sup> Cal. Archives, D. S. P. XVIII, 479, 480.

<sup>4</sup> Cal. Archives, D. S. P. XVIII, 397, 398.

<sup>5</sup> Cal. Archives, D. S. P. XVIII, 169.

<sup>6</sup> Cal. Archives, D. S. P. XVIII, 30, 31.

<sup>7</sup> Cal. Archives, M. IX, 543, 544.

Sonoma, intimated that they were horse-thieves connected with the hunters and trappers of the Sacramento valley, and thus justified himself for the slaughter he had made.<sup>1</sup>

Among the foreigners, who had thus found their way to and settled in California, in addition to those already mentioned, was Robert Livermore, an English lad who came in the employ of Juan Ignacio Mancísidor about the year 1819. Mancísidor was a Spaniard, engaged in trade in the country, who afterwards was obliged to leave on account of the anti-Spanish legislation which followed the Mexican revolution. Livermore in the course of a few years was baptized into the Catholic church and received the baptismal name of Juan Bautista Roberto Livermore, by which he was afterwards generally known—in the same manner as Captain Cooper, after his Catholic baptism, became known as Juan Bautista Rogers Cooper. Livermore was followed in 1821 by William Welsh. In 1822, besides William A. Richardson, came William Gulnac an American, James Richard Berry an Englishman, Edward M. McIntosh a Scotchman, and George Allen or, as he was afterwards known, Jose Jorge Tomas Allen an Irishman, all of whom became well known in the country. In 1823, besides Captain Cooper, came Samuel and William Bole, Englishmen, and William Smith an American. Smith was generally known as "Bill the Sawyer." After roving about for a few years, he married a Californian woman, settled down in the Santa Cruz mountains and founded the nucleus of the aggregation of foreigners in that region already mentioned and known as the Graham party. He was joined by James Peace an English sailor, who deserted from one of the Hudson's Bay Company's ships; and afterwards by Charles Brown, who deserted from an American whaler about 1832; and John Copinger an Irishman, who came to the coast about the same time. Of Copinger it is related that a fond mother purchased for him a lieutenant's commission in the British navy, but that, either being unruly or unwilling to be imposed upon, he quarreled with his superior officer, was reduced in rank and made to feel the severity of British naval discipline. He managed in time to escape and finally found his way into the recesses of the Santa Cruz mountains, where he

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<sup>1</sup> Cal. Archives, D. S. P. V, 18-21.

lived in unquestioned freedom, far from the reach of tyrannous restraint. All these men married "hijas del pais" and thus became connected with old Californian families. They were at first engaged principally in the lumber business; and it was not until Graham set up his alembic or still, and thus placed himself at the head of the old Santa Cruz population, that aguardiente gained the ascendancy.

About 1824 came Daniel A. Hill an American, David Spence and James McKinley, Scotchmen, and James Dawson an Irishman. Dawson is said to have been the first man to manufacture lumber in the country. He used a long rip-saw, to give play to which he would dig a pit under the log to be sawed, thus making what was called a saw-pit. He and McIntosh afterwards became interested in the rancho called Estero Americano near Bodega. It was arranged between them that McIntosh should go to Monterey and procure a formal grant of it from the government, which he accordingly did; but instead of acting in their joint names he took the papers in his own alone, leaving Dawson out. Upon ascertaining this fact, Dawson was so much incensed that he gave McIntosh a terrible beating, "breaking every bone in his body" metaphorically speaking; and then, taking his saw, he divided the house which had been built in partnership into two parts and moved his half off—determined thenceforth to have nothing more to do with partnerships than he could help.

In 1825 Robert Ellwell and James Thompson, Americans, and John Wilson a Scotchman arrived. Ellwell used to boast that he was a whig, a Unitarian and a Free-mason and that, if these three qualifications would not take a man to Heaven, nothing would. The year 1826 brought John Wilson and George W. Vincent, Americans, William D. Foxen an Englishman, David Littlejohn a Scotchman, and John J. Read an Irishman. Read, who came out on a voyage with an uncle, took such a fancy to the country that he determined to make it his home and declined any longer to follow a seafaring life. He went first into the Petaluma valley, but, being disturbed by the Indians, he soon afterwards moved down to the neighborhood of Saucelito, some years subsequently married Hilarita, daughter of Jose Antonio Sanchez, obtained a land grant on the bay

shore between Saucelito and San Rafael, settled down and founded a large family.

In 1827 came Henry D. Fitch, John Temple, William G. Dana, Thomas M. Robbins, George Rice and Guy F. Fling, Americans, and John C. Fuller an Englishman. Fitch, who afterwards sailed to South America for the purpose of finding a priest that would marry him to Josefa Carrillo as will be related further on, came originally in the employ of Edward E. Virmont, a merchant of Mexico who at that time and for years afterwards carried on a considerable trade with California. Temple and Rice settled at Los Angeles; Dana and Robbins at Santa Barbara; Fuller afterwards at San Francisco. It was in this same year, 1827, that Jedediah S. Smith and his party of hunters and trappers traversed California from the Rocky mountains. Of this party, or about the same time, came George C. Yount, William Pope and Cyrus Alexander, natives respectively of North Carolina, Kentucky, and Pennsylvania. Yount and Pope afterwards obtained land grants in Napa valley and were the first American settlers north of the bay. Alexander, though he got no grant, became a land owner in another way. He entered into a contract with Henry D. Fitch, the grantee of the Sotoyome rancho where the town of Healdsburg now stands, by the terms of which, in consideration of managing the property for two years, he received one-fourth or two square leagues of it. His land lay to the east of Healdsburg and was known as Alexander valley.

Of the arrivals of 1828 were Abel Stearns and Michael Prior, Americans, and Edward Watson an Englishman; among those of 1829 were Alfred Robinson, American, James Alexander Forbes, English, and Timothy Murphy and John Rainsford, Irish. All, especially Stearns, Robinson and Forbes, became well known in the country. Murphy, or "Don Timoteo" as he was generally called, settled at San Rafael; kept a sort of open house, and was noted far and wide for his hospitality. According to accounts of old neighbors who knew him intimately, as well as of travelers from abroad who visited him, he was one of those "fine old Irish gentlemen," now alas too much "all of the olden time." In 1830 came William Wolfskill and Isaac—sometimes called Julian—Williams, Americans, James W.

Weeks, English, and Jean Louis Vignes a Frenchman. Wolfskill and Vignes, who both settled at or near Los Angeles, became men of special importance to the country. Wolfskill turned his attention to fruit-raising and may be almost called the founder of the business, which in the course of a comparatively few years grew into one of the industries of the land. Vignes started, so to speak, the French element of California. He turned his attention to the vineyard and wine interest and did much to aid and establish its early development.

The arrivals of 1831 included John J. Warner, James Kennedy, William Mathews and Zeba Branch, Americans. Of these, Warner became the most widely known. He settled south of San Geronio Pass, and in early times his place was the first settlement reached by travelers coming over the desert from the Colorado river. In 1832 came Thomas O. Larkin, Nathan Spear, Lewis T. Burton, Isaac J. Sparks, Philip O. Slade, Francis D. Dye, Americans, Juan Foster, Hugo Reid and Mark West, English, and Nicholas Fink a German. Larkin appears to have come out from Boston with the intention of manufacturing flour, but found other occupation. He became United States consul and did much towards bringing the country under the American flag. Foster settled near San Diego and Reid near Los Angeles and became to all intents and purposes identified with the Californians. Spear, Burton and Sparks became merchants; West settled at what is now known as Mark West near Santa Rosa, and Fink became the victim of a horrid murder elsewhere in these pages related. About the same time came Joseph Paulding, who had the honor, if honor it can be called, of making the first billiard tables in California. In the same year a company of Canadian trappers, under Michel Laframboise, found its way into the San Joaquin valley and established its head-quarters near the present city of Stockton, from which circumstance that place derived its original name of "French Camp."

The immigration of 1833 included Isaac Graham, William Chard, James Wetmarsh and Thomas G. Brown, Americans, Joseph Snook, English, James Black and Lawrence Carmichael, Scotch, Charles Wolters, German, Pierre T. Sicard, French, and Gregorio Escalante a Manilaman. Graham, who came from



Hardin county, Kentucky, has been already noticed. Chard was one of his companions. Black settled north of the bay and became connected with McIntosh and Dawson previously mentioned. It appears that when Vallejo was sent into the Sonoma country with the object of forming a barrier against the Russians at Bodega, he induced Black, McIntosh and Dawson to settle at the Estero Americano and act as a sort of buffer against the Muscovites. They were promised a grant of land for their services, which McIntosh afterwards obtained under the circumstances already mentioned; but Black, in the meanwhile, had moved down into what is now Marin county, obtained a grant and settled there. He went largely into the stock business and lived to see his cattle grazing on a thousand hills. Escalante the Manilaman afterwards started a drinking saloon at Yerba Buena and thus originated a business in which he has had too many imitators.

In 1834 came Jacob P. Leese, Alfred B. Thompson, Ezekiel Merritt, George Nidever and Joseph L. Majors, Americans. Of these, Leese and Thompson were merchants, Merritt a hunter who played a conspicuous part in the subsequent bear-flag revolution, and Nidever also a hunter. The next year, 1835, brought the Americans Dr. John Marsh, Lemuel Carpenter, George F. Wyman, John M. Martin and Thomas B. Park. Dr. Marsh in the course of a few years after his arrival obtained a grant of land and settled at Pulpunes, afterwards generally known as "Marsh's Ranch," near the eastern base of Monte Diablo. In 1836 came Dr. Nicholas A. Den, who was afterwards followed by Dr. Richard A. Den. They were Irish; married Californian wives, and settled, one at Santa Barbara and the other at Los Angeles. There were several arrivals in 1837, among them John Wolfskill and John Paty, Americans, William Anderson an Englishman, and Peter Storm a Dane; and in 1838 came Dr. Edward A. Bale, English, Pedro Sansevaine, French, James O'Brien, Irish, and William H. Davis a native of the Sandwich Islands. Dr. Bale in the course of a few years married, obtained a grant of the "Carne Humana" rancho, north of Yount's in Napa valley, and settled there. Sansevaine went into the vineyard business near Los Angeles. Davis was a trader in the early days of Yerba Buena and married into the Estudillo family.

Among the accessions of 1839 were William D. M. Howard and Daniel Sill, Americans, Henry Austin, John C. Davis, William J. Reynolds, John Rose, John Finch, Robert T. Ridley, William Swinbourne and Henry Kirby, Englishmen, John Sinclair a Scotchman, John Roland a German, Juan Bautista Leandry an Italian, Peter T. Sherrebeck a Dane, and John J. Vioget a Swiss. In 1840 came William Hinckley, William Johnson, William Wiggins, David Dutton, Augustus Andrews and Frank Bedwell, Americans, William A. Leidesdorff and Peter Lassen, Danes, and Nicolaus Altgeier a German. Hinckley and Leidesdorff became prominent among the old settlers of Yerba Buena. Wiggins, Dutton and Lassen were of a party which crossed the plains to Oregon in 1839. They there, with John Stevens and J. Wright, took a vessel and in July, 1840, reached Bodega, where Vallejo attempted to prevent their landing. Notwithstanding his threats, however, they went ashore and wrote to the American consul, asking for passports and stating that they would wait for them fifteen days and, if in that time they heard nothing further, they would consider themselves in an enemy's country and take up arms for their defense. They were not thenceforth disturbed. Lassen afterwards settled at the foot of the Sierra in the northern part of the Sacramento valley. It is from him that Lassen's peak and Lassen county derived their names. Altgeier, like Sinclair of the year previous, settled near Sutter's fort—Sinclair on the American river nearly opposite the fort and Altgeier on the Feather river. The latter being generally known only by his first name, the place of his settlement got to be known by the same and gradually grew into the town of Nicolaus.<sup>1</sup>

One of the most prominent of the foreigners in the department in those early days was John Augustus Sutter. He was of Swiss parentage but born in the grand duchy of Baden in 1803. In 1834 he emigrated to New York; thence moved to Missouri, where he lived a few years, and then started for the

<sup>1</sup> The above names which are not, and are not intended to be, a directory of the old immigrants, but rather to give an idea of the character of the old immigration, are taken mainly from the California Archives, and most of them from petitions for naturalization under the Mexican laws. In regard to some of them there is more or less contradiction in the records or between the records and other accounts and consequently more or less uncertainty as to the time of arrival; but in general the dates, as given, are reliable.

Pacific coast with the intention of settling in California. He made his way to Oregon; thence to the Sandwich Islands, and at length reached San Francisco with a company of twelve men and two women, all but two or three of them Sandwich Islanders, in June, 1839. His object was to take his people to the Sacramento valley and there found a colony; but, as he had no license to settle in the country, the authorities of San Francisco refused to allow him to land until he should have procured the permission of the governor;<sup>1</sup> Sutter immediately, without disembarking, proceeded to Monterey; presented himself to Alvarado; explained his plans, and, after setting forth his purpose of making California his home, becoming a citizen and founding a colony, asked for and easily obtained the necessary license to land and settle. On August 28 of the next year, he presented his formal application for naturalization papers; and they were issued the next day.<sup>2</sup> He was not only admitted to citizenship but he was appointed a representative of the government and entrusted with the administration of justice on the so-called frontier of the Sacramento river. On September 1, 1840, Alvarado wrote him that the maintenance of order on that frontier, and especially its protection against the continuous incursions of savages and the robberies and other damages caused by adventurers from the United States, was a matter of great importance and that he was authorized to exercise a very extensive jurisdiction on behalf of the government over the entire region. He might pursue and arrest thieves, robbers and vagrants and warn off hunters and trappers who were unlicensed; but he should not wage war except upon notice to and with express permission of the government, bearing in mind also that the jurisdiction of the military comandante at Sonoma extended as far as the Sacramento and San Joaquin rivers.<sup>3</sup>

Sutter and his people had already moved up to the confluence of the Sacramento and American rivers and, on the site of the present city of Sacramento, established his colony of New Helvetia. He was not slow in making use of the authority vested in him. In February, 1841, he wrote that he was about to make an expedition with a respectable force, which he had

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<sup>1</sup> Cal. Archives, D. S. P. Ben. P. & J. III, 3, 4.

<sup>2</sup> Cal. Archives, D. S. P. V, 713-716.

<sup>3</sup> Cal. Archives, D. R. XI, 84-86.

collected, against horse-thieves; and that he was to have one-half of the horses recovered in payment for his trouble and expense. He also stated, what was however considerably beyond the scope of the authority granted him, that he had felt himself obliged in one instance to execute capital punishment upon an Indian chief, who, instead of furnishing a good example to his tribe, had committed various robberies and induced it to assist him in them.<sup>1</sup>

In May, 1841, Peter Lassen, the Dane who had arrived the year before and was then settled as a blacksmith at Santa Cruz, applied for naturalization;<sup>2</sup> and in July following Agustin Jansens, a native of Flanders, did the same. The latter in his petition stated that he had arrived in Mexico in 1825 with his father, who soon afterwards died; that he was then ten years old; that he had remained in Mexico and California ever since; that he desired a grant of land but had been informed he could not obtain it without being naturalized; and, therefore, he asked for letters.<sup>3</sup> Jansens' petition explained very clearly the main object that foreigners had in view in becoming naturalized. They not only secured immunity from various annoyances, to which as foreigners they would have been liable to be subjected, but, generally speaking, the granting of letters of naturalization was followed by the granting of a tract of land.

In January, 1842, Alvarado wrote to the government at Mexico in relation to Sutter, his naturalization, his application for a grant of land for colonization purposes, the favorable impression he had made, the concession made to him of a tract of land and the foundation of his establishment of New Helvetia in the midst of the savages on the banks of the Sacramento river. He said that Sutter had at first been obliged to defend himself with only eight men, for the reason that Vallejo the comandante at Sonoma had refused to afford him any assistance; but that he had gradually managed to attract about him some three hundred Indians who lived in community at his establishment and were devoted to him; that he had established a primary school among them; that he had accomplished a great deal of good in putting down bands of horse-thieves who vexed the rancheros of

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<sup>1</sup> Cal. Archives, D. S. P. V, 720-724.

<sup>2</sup> Cal. Archives, D. S. P. XXI, 219.

<sup>3</sup> Cal. Archives, D. S. P. XXI, 121-127.

the country, and that the department was indebted to him for much of the tranquillity it enjoyed. In conclusion, he assured the government that the department had no cause to regret its concession to Sutter and that if, as seemed to be the case, Vallejo was attempting to injure him by prejudicial complaints, it was entirely on personal grounds and with no authority to speak for any one but himself.<sup>1</sup>

At the same time and in connection with Sutter, Alvarado wrote to the government that the clandestine ingress of American adventurers into the country was becoming serious and that the department, on account of the weakness of its forces, was unable to prevent their coming. He said that a company of thirty armed men had recently arrived from Missouri; that thirty others had gone to the Columbia river, and he learned that there were two hundred more ready to start from the western United States for the Pacific coast. The prefect of the second district had informed him that another company of one hundred and sixty were on their way from New Mexico, although as to these it was said they had passports. He proceeded to say that he had directed Lieutenant-colonel Jose Castro, the prefect of the first district, to proceed with a force of volunteers and look after the first mentioned company; but it was plain to be seen that, if the supreme government did not re-enforce the department with a couple of hundred soldiers and the necessary pecuniary resources, it would be likely to have the same fate as Texas had had. He was of opinion that with the small assistance he suggested and the probability of thereby being able to sustain the enthusiasm of the people, he might be able to restrain the ambition of the adventurers; but, otherwise, it was doubtful whether the integrity of the Mexican territory and the good name of the nation in California could be preserved.<sup>2</sup>

The supreme government at Mexico, as has been already explained, was not in a condition to afford any effective help to California. It was, however, very well aware of the truth of Alvarado's statements and of the danger threatened by the Americans. As early as May, 1840, various articles had appeared in influential American newspapers at Washington as to

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<sup>1</sup> Cal. Archives, D. R. XIII, 18-22.

<sup>2</sup> Cal. Archives, D. R. XIII, 24, 25.

the importance to the United States of acquiring the Californias and were transmitted by the Mexican minister to Mexico. In one of these articles mention had been made of the Missouri company of emigrants which proposed to start for the Pacific in May, 1841, and to the arrival of which attention had been called by Alvarado, as has been seen, in his letter. It was true that the professions of the Missouri company were peaceful and friendly, but could they be trusted? It was very doubtful, thought the government; and so it wrote to Alvarado. Similar professions had been made by the colony of Americans in Texas, and yet in a short space of time they had unfurled the banner of rebellion with lamentable consequences to the Mexican nation. In view of all the circumstances, the government urged upon Alvarado the necessity of adopting means to protect the department and suggested a strict enforcement of the laws against foreigners and an especially vigilant guard over the ports of the country.<sup>1</sup> But it sent no succor. In other words, it deplored the condition of affairs; but it was powerless to help them.

But while the Americans were thus beginning to pour with ever-increasing streams through the defiles of the mountains, the Russians on the coast were commencing to fold their tents and pass away. They had never manifested any special designs of permanently settling in the country further than was indicated by their building Fort Ross, founding a few farms in the neighborhood of Bodega and establishing a few fishing and trading posts at San Francisco, the Farallones Islands and between there and Fort Ross. But they had done a very large business in their hunting and fishing boats, collecting as many as eighty thousand seal skins at the Farallones in a single season,<sup>2</sup> penetrating all the bays and creeks and gathering immense quantities of beaver, otter and other furs. They had been good customers for Californian wheat and grain, for beef, suet and fat, for dried meat and some salt;<sup>3</sup> and, notwithstanding the jealousies of the supreme government and of a few narrow-minded Californians, the general public opinion had recognized them as not undesirable neighbors. During recent years, such men as Father Gutierrez would once in a while come out in a flaming manifesto

<sup>1</sup> Cal. Archives, S. G. S. P. XVI, 329-341; S. P. XVI, 339.

<sup>2</sup> Robinson, 55.

<sup>3</sup> Cal. Archives, D. S. P. II, 193-201; Robinson, 13; Duflot de Mofras, II, 5.

against them; but they had little effect upon the people in general; and the Russians did not mind them or feel in the least disturbed. Their comandante was more comfortably fixed at Ross than even the governor at Monterey. He had fine quarters, fine furniture, a fine library, a fine piano-forte, Mozart's music, French wines and in fact nearly everything to make residence there pleasant;<sup>1</sup> while his subordinates, about eight hundred in number, plied their vocations in every direction in total indifference to what was said about them. But at length the fur-seals, the otters, the beavers and other game became scarce; other customers and particularly New England merchants opened new markets for Californian products; and the Russians began to find that their establishments in California, though otherwise in good condition, were no longer remunerative. One of their last projects had been the putting up of a warehouse at San Francisco, for which Pedro Kostromitinoff the comandante of Ross procured the license of the government in 1836;<sup>2</sup> but even by that time the hunting and trade, for which the Russians sought the country, had much slackened and year by year grew worse and worse for them.

On November 23, 1840, Colonel Koupreanoff, ex-governor of Russian America, then at San Francisco, addressed a note to Alvarado, announcing that the Russians were about abandoning Ross and all their other establishments in the country.<sup>3</sup> This information being transmitted to Mexico, an order came back that Alvarado should take possession and if practicable turn them into Mexican establishments.<sup>4</sup> The withdrawal of the hunters and fishermen commenced almost immediately; and every voyage of a Russian vessel northward carried off a greater or less number of them. On July 27, 1841, Vallejo wrote to Alvarado from Sonoma that Kostromitinoff was at his house with the object of negotiating terms of final evacuation. The occasion furnished Vallejo an opportunity for a patriotic outburst. At length, he wrote, were the national colors again to flutter in glorious triumph where a foreign flag had flaunted for twenty-five long years. Soon was the imperial eagle to give

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<sup>1</sup> Duflot de Mofras, II, 20.

<sup>2</sup> Cal. Archives, L. R. III, 102.

<sup>3</sup> Cal. Archives, D. S. P. Ben. Misc. II, 554-556; D. R. XI, 229, 230.

<sup>4</sup> Cal. Archives, S. G. S. P. XVI, 213-216; S. P. XVI, 211.

up the field to that of the republic, which was now again about to soar aloft and spread its protecting pinions over this fair portion of the national soil, so long and so wrongly withheld. But he did not wish to boast. On the contrary, he wished to repress the pride and vainglory, which naturally arose in his breast in contemplating his own co-operation in bringing about this auspicious result. He would therefore only say that simply duty had demanded of him all that had been accomplished, and that in fact he had done no more than comply with the innate obligation of every Mexican to contribute to the glory of his country!<sup>1</sup>

This letter was followed by another from the same writer in August. In this, he informed Alvarado that in the negotiations, which he had attempted to carry on with Kostromitinoff, he had claimed and insisted that the houses at Ross, as they had been built on Mexican soil and with Mexican timber, belonged to Mexico and were not to be considered as in any sense belonging to any one else; but that the impractical Russian, who had managed in some irregular manner to ascertain the nature of recent orders from Mexico, had refused to treat upon that basis and had expressed a determination to visit Monterey and negotiate with the governor personally. Vallejo, in conclusion, did not deem it necessary to communicate at any length his own views upon the subject, being satisfied that his Excellency was persuaded like himself that the Mexican nation could not, without loss of dignity, consent to purchase or pay for what already incontestably belonged to it.<sup>2</sup>

The result was that the negotiations with Vallejo were broken off; and afterwards a contract was entered into between the Russians and Sutter, by the terms of which the latter agreed to purchase all the Russian property for about thirty-one thousand dollars. Though Sutter had no money to pay with, he was placed in possession of the property and exercised acts of

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<sup>1</sup> "Pronto tremolará gloriosa y triunfante el pabellon nacional donde estuvo enarbolada por cinco lustros una bandera estrangera. La aguilá imperial cedará el campo á la republicana, que veremos por primer vez cernerse y desplegar sus alas protectoras sobre esa porcion tanto tiempo cercenada de nuestro suelo. Para no vanagloriarme de mi co-operacion á tan fausto acontecimiento, necesito reflexionar que así lo ecsigio mi deber, y que no hize mas que cumplir con lo que me prescribia; pues es obligacion innata en cada Mejicano contribuir á la gloria de la nacion."—Cal. Archives, D. S. P. V, 379, 380.

<sup>2</sup> Cal. Archives, D. S. P. V, 383-385.



dominion over it. Subsequently an arrangement was made, by which the departmental government agreed to assume the debt of Sutter and the Russians to cede to it all their rights against Sutter and all their rights of property.<sup>1</sup> Meanwhile on January 1, 1842, the final evacuation took place; and the Russians as a body abandoned the country. On January 2, Alvarado transmitted information of their departure to the supreme government; and soon afterwards he wrote that he had recommended to Vallejo to detail a company of troops to raise the Mexican flag over Ross, but that, on account of the department being in such great distress as it was for want of military resources, it would be impossible to maintain any large or regular force there.<sup>2</sup>

And thus ended the occupation of the Russians in California. They left a few buildings, since gone to decay, a few graves and a few names, such as Ross and Mount St. Helena. But most even of their names have passed away and are forgotten. The beautiful stream now known as Russian River, called by the old Californians the San Sebastian, was by the Russians named and known as the Slawianska. Bodega, they called Romanzoff, and the stream southeast of Bodega, now known as the Estero Americano, the Avatcha. Their principal farms were called respectively Kostromitinoff, Vasili, Klebnikoff and Don Jorge Tochernik.<sup>3</sup> Nature, as well as man, has assisted in destroying the evidences of their twenty-five years of sojourn. On the mountain back of Ross, within a mile or two of their crumbling block-houses and church, where they cut their timber and where huge stumps still attest their labors, a new growth of trees has sprung up almost as large as when the Russians first invaded the primeval forest. In a very few years nothing will remain in all the places they once occupied to remind one of their former presence in the country.

Among the foreigners, who were in California in those comparatively early times, were three, Dana, Robinson and De Mostras, who wrote books of their observations and experiences; and it is from them that most of the reliable information in reference to the social life of the old Californians has to be derived. The Californians themselves as a rule were not educated; and

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<sup>1</sup> Cal. Archives, D. S. P. V, 746-751.

<sup>2</sup> Cal. Archives, D. R. XIII, 29, 30.

<sup>3</sup> Duflot de Mostras, II, 6, 10, 13.

those who could write were not authors. In recent years Alvarado wrote a series of interesting historical sketches of the early part of the century and Antonio Maria Osio wrote a somewhat more connected account of political events from about 1825 to the American occupation. Both were written in Spanish and exist only in manuscript. Vallejo and others have also written at greater or less length, but published nothing worthy of attention. The most important writings of the old Californians, however, consist of the official records and correspondence and the political, military and ecclesiastical documents irregularly scattered among the collection of some two hundred and fifty thousand pages of Spanish manuscript, usually known as the California Archives. Of private letters and papers, few of any importance remain.

The first good American book relating to California was the personal narrative of Richard Henry Dana entitled "Two Years before the Mast." Dana was an undergraduate of Harvard college and undertook a voyage to California as a common sailor for the purpose, mainly, by an entire change of life, long absence from books, hard work, plain food and open air, to cure an affection of his eyes. He shipped in the bark *Pilgrim* from Boston and sighted Point Concepcion, after a voyage of one hundred and fifty days around Cape Horn, in January, 1835. The vessel carried out what was called an assorted cargo, consisting of liquors of all kinds, coffee, tea, sugar, molasses, raisins, spices, hardware, tinware, crockery, cutlery, clothing, boots and shoes, calicoes, cottons, silks, crapes, shawls, scarfs, jewelry, combs, furniture and, as Dana says, "everything that could be imagined, from Chinese fire-works to English cart-wheels." The object of the voyage was to dispose of these goods and return with their proceeds in the shape of hides and tallow. The vessel was what was known as a "hide-drogher," one of a number engaged in the business of purchasing hides and tallow from the missions and carrying them to be made use of in manufactories in the United States. The import of assorted cargoes and the export of hides and tallow had become a great trade and constituted the chief commerce of the country down to 1849.

It became a part of Dana's business, while in California, as one of the common sailors of his vessel, to visit the various

points along the coast and collect hides. This was no easy matter. The hides when taken from the animals were staked out on the ground so as to dry in the sun without shrinking. They were then folded once, lengthwise, with the hair on the inside, and in this form sent down to the beach and piled up above high-water mark, ready for shipment. There were no wharves in those days and few places where the surf was not rough even in the calmest weather. For this reason, far from the vessel being able to approach the shore, even the boats had to be anchored outside of the surf and the hides to be carried to them through the breaking waves by the sailors. As they had to be kept dry, it was found that the only safe and convenient method was to carry them one by one on the head; and it required considerable strength and skill, particularly when the sea was rough and a stiff breeze blowing, to do so successfully. The sailors provided themselves with thick Scotch bonnets to protect their heads, but had to go barefooted, as shoes could not stand the constant soaking in salt water that was necessary. It was altogether a wet, hard and disagreeable occupation, especially where the beach was stony; but in time the student got used to it and became an expert in "tossing a hide" as it was termed. He remained in the country nearly two years and, though his observations were confined chiefly to the ports and embarcaderos and the people he met there, he had an open eye and a facile pen and furnished an exceedingly agreeable and interesting account of what he saw. So far as his opportunities extended, he gave all possible information and in a style always graphic and sometimes splendid. But he had but little intercourse with the prominent people and, not being familiar with their language, could not converse freely even with those he met. While no one could describe better what he saw, there were many things in the life and manners of the Californians which he had no opportunity of seeing. His book was first published in Boston in 1840.

The next American who wrote a book relating to the subject was Alfred Robinson. His account was also a personal narrative under the title of "Life in California." He left Boston as a young mercantile clerk on a trading voyage in 1828 and reached Monterey in February, 1829. His business required him to

travel about the country and become thoroughly acquainted with all classes of the people, high as well as low. The Spanish language became familiar to him. In the course of a few years he married a daughter of Jose de la Guerra y Noriega of Santa Barbara and settled in the country permanently. When Dana's book came out there were various observations made in it, in reference particularly to the Californian women, which Robinson considered unjust; and it was as much to show that Dana's remarks were too sweeping as for any other purpose that Robinson wrote. His plan was not to criticise Dana or polemically dispute what he had said, but to give a full and minute account of his own observations and experiences during his residence from 1829 to about 1846, when his book was published in New York. As an appendix to it, he published a translation of Father Gerónimo Boscana's work on the Indians, called "Chinichinich."

Robinson's family relations, business as a prominent merchant and long residence gave him in ample measure the opportunities of information and knowledge which Dana lacked. He was somewhat more straightforward and business-like in his narrative, apparently looking at things with older eyes, but also able as a writer, having large perceptive faculties and a clear, forcible and pleasant style. His powers of description were good; and he furnished many admirable sketches of various old Californian people and of scenes which he witnessed and in some of which he took part. It cannot be said that either Dana or Robinson wrote with scientific precision; neither of them attempted to give a complete description of the country; and while Dana was perhaps more or less prepossessed as a New England American against the Mexican character, Robinson was to some extent influenced by the political and social feelings of that particular class and caste of the community into which he married. But both wrote excellent books of their kind.

The most complete book of those days upon the subject of California, however, was that of Duflot de Mofras. He was a French gentleman of learning and culture, attached to the French legation in Mexico, and was commissioned by his government to make a scientific exploration of and report upon the Californias and Oregon, and especially upon their ports and har-

bors. A passport was issued for the purpose of enabling him to travel with perfect freedom by the Mexican government in May, 1840.<sup>1</sup> He sailed by the way of San Blas, Mazatlan and Guaymas and thence, doubling Cape San Lucas, up the coast; and he spent several years in his work. He visited all the points of interest, traveled from place to place, made surveys and observations, examined the country, consulted old books, rummaged among the records, studied the institutions, observed the occupations, character, manners, customs and daily life of the people of all classes, talked with the governors, military men, priests and in fact every one who had anything of importance to impart and gathered information of all kinds and upon all subjects connected with his work. In this way he amassed a great amount of matter, out of which he had the skill and judgment to select and arrange a work of marked literary ability, giving a very complete and generally accurate account not only of the existing condition but of the main features of the history of the country, with numerous and elaborate maps and charts. The book was written in French and published by order of the French government at Paris in 1844. It was entitled "*Exploration du Territoire de l' Oregon, des Californies, et de La Mer Vermeille, exécutée pendant les années 1840, 1841 et 1842—Exploration of the Territory of the Oregon, of the Californias and of the Vermillion Sea, executed during the years 1840, 1841 and 1842.*"

It would be difficult to find a more complete account of any comparatively unknown country, made out by order of a foreign government and containing more varied and valuable information in relation to it, than this work of Duflot de Mofras. It was intended to place France in possession of all that was then known about the northwest coast of America; and it did so most thoroughly. It was not designed as a history; but still it gave more historical information than any other work of the time. The geography, the geology, the topography, the botany and natural history, the meteorology, the agriculture, manufactures and commerce, the business done and amusements pursued, the work of the missionaries and the results of secularization, the Indians and their manners, habits, character and condition, and in fact nearly everything that anybody had known or knew

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<sup>1</sup> Cal. Archives, S. G. S. P. XVI, 63.

about the region was treated of in plain, clear and forcible language. Considering the circumstances under which the book was written and the time in which it was completed, together with its general accuracy and reliability, it may well be called a work of ability, creditable alike to its author and to the government under whose auspices it was written and published.

Two other works relating to California of considerable, though not of equal merit or value, were produced about the same time by authors who did not reside or gather their information in the country. The first of these was "California: A History of Upper and Lower California" by Alexander Forbes, an English merchant of Tepic, Jalisco. His book was finished in 1835 and sent to England, where it was published in 1839. It was, with the exception of the accounts contained in the voyages of navigators, the first original work upon the subject in English. Its chief object was to call the attention of the people of Great Britain to the Californias and the feasibility of their acquisition by the British crown. The second work referred to was, "The History of Oregon and California" by Robert Greenhow, translator and librarian to the department of state at Washington. It grew out of a "Memoir, Historical and Political, on the northwest coasts of North America and the adjacent Territories" by the same author, published by order of the United States senate in 1840, and was designed chiefly to throw light on the controversy between the United States and Great Britain in reference to the northwest boundary. It contained a very full account of all the voyages and expeditions to the northwest coast from the time of Cortes down to 1844, in which year it was published. Of the interior history of California, neither Forbes nor Greenhow attempted to give any except very meager information.

Such were the principal books specially relating to California that were produced from the beginning of the century down to the American occupation. They may be said to have formed a group, all written or published while Alvarado was governor; and it is therefore not improper that they should be mentioned in connection with his administration. It had been a comparatively long period since the old books of Venegas, Baegert and Palou, the pioneers of Californian literature, appeared; and it was

a considerable time afterwards—short in the number of years but long in the march and progress of events—before the writers of the American occupation commenced their multitudinous labors.

Had all been accomplished for education in California that was desired and attempted by Alvarado, there might have been books of value by native writers of the old stock. In addition to the mission schools for neophytes, there had been from very early times primary schools for white children at the presidios and pueblos. But these schools were usually taught by superannuated soldiers, who had picked up only a smattering of learning in their younger days and knew little except how to maintain discipline. In Figueroa's time teachers of somewhat more ability were appointed; and a normal school was established. But Alvarado carried the system much further; devoted a great deal of attention to the subject, and gave it all the encouragement he was able. He himself established a new school at Monterey with teachers whom he had caused to be brought for the purpose from Mexico; and, besides the rudimentary branches of reading, writing and arithmetic, he directed instruction to be given in type-setting and printing.<sup>1</sup> In 1842 he ordered a sum of money to be appropriated for medals to the most proficient scholars of the normal school.<sup>2</sup>

The first printing-press and types in California appear to have been brought up from Mexico in Figueroa's time, about 1834. On November 1 of that year an invitation to a ball, given in honor of the directors of colonization, was issued at Monterey and seems to have been the first thing printed in the country.<sup>3</sup> From that time forward various short official documents appeared in print. In 1839 there was what was called the government printing-office at Sonoma,<sup>4</sup> which was afterwards, about 1842, established at Monterey.<sup>5</sup> It was used exclusively for government purposes.

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<sup>1</sup> Emeric vs. Alvarado, Transcript, 5208.

<sup>2</sup> Cal. Archives, D. S. P. Ben. C. & T. IV, 667.

<sup>3</sup> Cal. Archives, D. S. P. Ben. P. & J. VI, 136.

<sup>4</sup> Cal. Archives, D. S. P. Ben. C. H. V, 33.

<sup>5</sup> Cal. Archives, D. S. P. Ben. Misc. II, 1051.

## CHAPTER XIV.

### ALVARADO (CONTINUED).

THE condition of the secularized missions at the time Alvarado became governor was by no means satisfactory, nor did it improve during the discord of the early part of his administration. But on January 17, 1839, almost immediately after the strife was over and he had been formally recognized by the supreme government as governor, he issued a very important order in relation to them. In view of the fact, he said, that no proper regulations for the government of the administrators of the missions had been published; and as these officers, authorized as they were to dispose of the property under their charge, did not seem to understand the degree of dependence they owed to the political government; and as the departmental junta was not in session to take the steps necessary under the circumstances but it was at the same time plain that the secularization of the missions could not successfully proceed as it was then going on, he would therefore in the name and as the act of the government prescribe a series of provisional regulations, with which the administrators would be required to comply until further order.

In the first place every person, who had acted as an administrator of a mission, should immediately, if he had not already done so, present a full report of his administration; and every person at that time acting as administrator should present his report for the entire period he had been in office up to the end of December, 1838, together with an exact account of all the debts due from or to his mission. In the next place no sale should thenceforth be made and no debt contracted without the previous knowledge of the government; and any attempted sale made or debt contracted in contravention of this provision



should be null and void. No debts to merchants or private persons should be paid without express permission of government; nor without like permission should any cattle be slaughtered, except such as might be necessary for the support of the Indians and ordinary current consumption. The traffic in horses and mules for woolen goods, which had hitherto been carried on at the various establishments, should absolutely and entirely cease; and those in charge should see that the mission looms were again placed in operation, so that the requirements of the Indians might be thus supplied. Monthly statements of the ingress and egress of all kinds of produce stored or distributed should be made out. The administrators should proceed at once to construct a building at each establishment for their own use and habitation and vacate those they then occupied; and they should not permit any white person to settle at any establishment while the Indians remained in community. They should furnish censuses, distinguishing classes, sexes and ages and noting those who had been emancipated and established on mission lands. They should also furnish lists of all employees, with their wages, so that each establishment might be regulated according to its means; and it was to be distinctly understood that thenceforth no salaries were to be paid in cattle or domestic animals.

These regulations were to apply in all cases, except San Carlos, San Juan Bautista and Sonoma, which were to be specially provided for; but former administrators of these establishments were to present their reports in the same manner as others. Alvarado also gave notice that he would continue to make such further regulations as might be deemed necessary and particularly in reference to police matters and the methods to be observed in making out accounts. And in conclusion, he gave further notice that for the examination of accounts and everything relating thereto, he would appoint a "visitador" or inspector with a competent salary to be paid out of the funds of the establishment, who was to maintain an office at such point as might be directed and be governed by such instructions as would in due time be furnished.<sup>1</sup>

In March following, Alvarado appointed William E. P. Hart-

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<sup>1</sup> Cal. Archives, D. S. P. Mon. III, 188.

nell, the English merchant of Monterey, who as will be recollected had been a resident of the country since 1822 and naturalized in 1830 and was an accomplished accountant as well as a linguist, "visitador-general" of missions and in April issued a series of instructions to him.<sup>1</sup> In accordance with these instructions, Hartnell proceeded immediately to make what he called his first visit. He went to each of the ex-missions from San Diego to San Fernando, commencing at the former, and gave an exact and very circumstantial account of each of them, with complete inventories of all the property of every kind still remaining and a note of every matter of interest which he was able to glean in reference to the manner in which they had been administered. His report was a melancholy one. It was pitiable, he said, to see the destitution and misery and hear the complaints of the Indians. At San Diego they clamored loudly against the administrator Ortega. At the Indian pueblo of San Dieguito they complained that Juan Osuna, the alcalde of San Diego, had driven them away from their cultivable fields and left them only lands so impregnated with nitre that it was impossible to maintain themselves. At San Juan Capistrano they clamored against the administrator Santiago Arguello; but on investigation Hartnell was satisfied that the complaints were unjust and that the trouble had been fomented by a few dissatisfied whites and rebellious Indians whom it would be well, he said, to remove. At San Fernando they complained bitterly that the rancho of San Francisco had been taken away from them and granted to Antonio del Valle—their bitterness was in fact so violent that Del Valle was afraid to trust himself and family on the ranch. An idea of the confusion in which affairs were found could be gained from the circumstance that Juan Perez, the administrator, was unable to read or write and that Madariaga, the person he employed for that purpose, was entirely unworthy of confidence.<sup>2</sup>

Hartnell found difficulty in accomplishing anything of value for the Indians. The mission establishments were already substantially ruined. Most of the Indians were gone. At San Diego there were only two hundred and seventy-four; at San Luis Rey perhaps about five hundred; at San Juan Capistrano

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<sup>1</sup> Cal. Archives, D. R. X, 243; M. IX, 321; XI, 343.

<sup>2</sup> Cal. Archives, M. XI, 338-358.

not above eighty; at San Gabriel three hundred and sixty-nine, and at San Fernando four hundred and sixteen—in other words, not more than about one-eighth the number there had been in 1833. The miserable condition, to which they were reduced, induced most of those who remained to think of deserting and fleeing to the mountains; and many of those of San Luis Rey did so. But it was plainly the earnest desire of the government to prevent their dispersion, to recall the fugitives and, either by transforming them into citizens capable of supporting themselves or reorganizing them into communities, to ameliorate their condition. This was the ulterior object of Hartnell's appointment, and orders were given to the prefect of the district to render such assistance in carrying it out as might be necessary.<sup>1</sup>

Before passing northward from San Fernando, Hartnell authorized Juan Bandini, the administrator of San Gabriel, to expend two thousand dollars for the purpose of clothing the Indians of that place; and to feed them he directed the killing of cattle, as he also did at several other missions.<sup>2</sup> He then proceeded to Santa Barbara. In a very short time after arriving there he received a hasty note from Father Narciso Duran of the neighboring mission, to the effect that the administrator, Francisco Cota, had just made an attack, so violent that it might be pronounced demoniac, upon a couple of Indians, who had fled to him for protection; that he did not know any cause for the assault except that the Indians had complained of the conduct of the administrator, and that Hartnell's immediate presence with a few soldiers was absolutely necessary to preserve order. After providing for soldiers in case of necessity, Hartnell proceeded to the mission alone; and at the end of a brief investigation, in the course of which he was treated with great indignity by the angry administrator, he suspended him from office. Upon subsequently examining Cota's accounts, he found them in inextricable confusion and reported the most scandalous neglect, which he believed to be the result, if not of bad faith, of the grossest stupidity.<sup>3</sup> At Santa Inez there were not Indians

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<sup>1</sup> Cal. Archives, D. S. P. Ang. V, 158, 159, 198.

<sup>2</sup> Cal. Archives, M. X, 446-448.

<sup>3</sup> Cal. Archives, M. X, 449, 450.

enough to brand the cattle. Most of them had run away, and those that remained had not been clothed for two years.<sup>1</sup>

In August Hartnell went to the ex-mission of San Jose and found it in quite as bad a condition as those of the south. There were only about five hundred and eighty-nine Indians remaining, or about one-fourth the number that had been there six years before. They complained bitterly of their treatment by Jose de Jesus Vallejo, the administrator. They said they were sometimes torn violently from their houses, thrown on the ground, kicked and stamped upon, and sometimes flogged to the extent of a hundred lashes. These lashes, they complained, were very different from those inflicted by the missionaries in former times, which were more like those of a father to his children. They also said they were only half fed and so badly clothed that many of the women could not show themselves on account of their nakedness; and they charged that the administrator had carted away large quantities of clothing from the mission to his ranch and that he speculated for his own advantage in what remained. But notwithstanding these abuses, which he found to a great extent well-founded, Hartnell was of opinion that the government could not find an administrator of greater activity and business knowledge than Vallejo; and he therefore drew up a series of instructions to be strictly complied with for the future, and recommended that no change should be made in the office. By these instructions, the administrator was directed to see that the Indians should attend church as before secularization, and that the priests should have authority to punish them for staying away as of old; he was not to permit any labor on Sundays and feast days; he was not to inflict more than twenty-five lashes and in no case to punish for complaints made to the government; he was to make no purchases or sales, and not to speculate for his own advantage without express permission; he was, in connection with the priest, to prevent the Indians from holding their degrading and superstitious nocturnal dances; and he was to keep a diary of events relating to the affairs of the establishment and furnish monthly abstracts of it.<sup>2</sup>

It soon became plain, however, that to apply anything like an adequate remedy to the abuses of the administrators, the offices

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<sup>1</sup> Cal. Archives, M. IX, 64-70.

<sup>2</sup> Cal. Archives, M. VII, 375, 376; X, 437-441.

themselves with their high salaries would have to be destroyed. Alvarado, having convinced himself of this fact, did not hesitate. On March 1, 1840, he issued a new series of regulations, with the very first of which he abolished the office of administrator altogether and provided for that of major-domo in its place. The great discretionary powers vested in the administrators were done away with. The major-domos were to be mere servants and to receive small annual salaries, the smallest, those of San Diego and San Juan Capistrano, being one hundred and eighty dollars each and the largest, that of San Jose, six hundred dollars. They were to take care of the property of the ex-missions; compel the Indians to assist in community labors; aid the priests in watching over their morals; keep and remit accounts of products; act as stewards of the priests and provide for them on their accustomed visits; attend to the distribution of goods to the Indians; provide, on the orders of government, for military and other persons traveling on public service; act as hosts to persons traveling on private business, charging for entertainment a reasonable amount proportioned to their means; preserve order, and generally comply with all instructions of the visitador and the government. They were not to make any purchases or sales or hire out any Indians or slaughter any cattle, except the regular slaughterings ordered by the visitador, without the express previous permission of the government. They and their families were to have free quarters and provisions; and, after one year of faithful service, they were to be entitled under certain restrictions, to have some help from the Indians in their own private labor.

The office of "visitador-general" was continued, with Hartnell as incumbent, at an annual salary of three thousand dollars. He was to make all contracts with foreign vessels and private persons for the benefit of the establishments. He was to provide these with the necessary goods and supplies; draw bills for the payment of debts; conduct all correspondence between the government and subordinate officers connected with the ex-missions; recommend major-domos and other employees and pay their salaries; determine upon such regular and extraordinary slaughterings of cattle as might be necessary, and make such regulations of his office and suggest such improvements in

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the general management of his department as he might deem proper. Notice was given at the same time that all persons having claims against any of the establishments should present them to the visitador; that the government would listen to any complaints of abuses and endeavor to apply proper remedies; that specific provision would be made for the maintenance of public worship and the support of the priests, who until major-domos should be appointed were to take charge of their respective establishments; and that all former rules and orders in conflict with the new ones were repealed and annulled. These new regulations were to apply in all cases, except San Carlos, San Juan Bautista, Santa Cruz, Soledad and San Francisco Solano, which were to continue under the immediate control of the government.<sup>1</sup>

Upon the publication of the new system, Hartnell addressed a letter to Father Jose Maria de Jesus Gonzalez, president of the northern missions, desiring to know whether he and the clergy under his jurisdiction were disposed to acquiesce in the new arrangement and would co-operate with the government in carrying it into effect. Gonzalez answered that he was in most cordial accord with the views expressed by the governor and that he and his ecclesiastic brethren would do everything they could to accomplish the laudable purposes of the government.<sup>2</sup> Hartnell thereupon, in accordance with the regulations, nominated major-domos for San Jose and Santa Clara and commenced casting about for suitable persons to fill like offices at San Francisco and San Rafael.<sup>3</sup>

In reference to San Rafael, however, a difficulty was immediately experienced with Vallejo, the comandante-militar at the neighboring post of Sonoma. He had assumed to take the management of the affairs and particularly the property of the establishment into his own hands and objected strenuously to any interference on the part of the government and the visitador-general. On account of his objections, Hartnell at first declined to take any steps in reference to the subject and asked for further instructions; but, upon being expressly directed to act with San Rafael as with any other ex-mission under his juris-

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<sup>1</sup> Cal. Archives, D. S. P. Mon. III, 228.

<sup>2</sup> Cal. Archives, M. XI, 193-198.

<sup>3</sup> Cal. Archives, M. XI, 190-192.

diction, he immediately proceeded to that place and had a long conference with the Indians. They said they did not wish to remain at the mission; claimed that there were not enough of them to carry on labor; complained that they had already been deprived of their lands, and demanded their liberty and the distribution amongst them of the remaining property, as, they asserted, had been promised them by the comandante. Being asked whom they would obey—the government or the comandante—they replied that they had never opposed and did not wish to oppose the government; but at the same time they did not wish to incur the ill will of the comandante.

Under the circumstances, Hartnell deemed it prudent, before proceeding further, to have a personal consultation with Alvarado and accordingly left San Rafael and returned to Yerba Buena with the intention of going on to Montcrey. But as his boat approached the landing place at Yerba Buena, Vallejo, who had been apprised of his visit and was waiting for him with a launch filled with soldiers, ordered him on board the launch and carried him as a prisoner back to San Rafael. The latter asked an explanation; but Vallejo answered there would be time enough for explanations afterwards. At the Read ranch, some six or eight miles from San Rafael, Vallejo disembarked and proceeded by land, while the launch with Hartnell on board took all night to reach its destination. The next day, upon his arrival, Hartnell was ordered into Vallejo's presence and informed that he was at liberty to speak. He answered by asking why he had been made a prisoner and treated in the manner he had been. Vallejo replied that he had had no business to go to San Rafael and interfere with its affairs. Whether satisfied or not with this explanation, Hartnell appears to have made no special complaint but proceeded to discuss terms of accommodation. It was finally agreed that he was to recommend that the San Rafael Indians, of whom there were less than two hundred, should be given their liberty; that one-third part of the cattle, with a few horses and mares, should be distributed amongst them, and that the other property should be devoted to the payment of debts and the maintenance of religious service at the church. This being agreed upon, a boat was placed at Hartnell's disposal, and he returned to Yerba Buena.<sup>1</sup>

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<sup>1</sup> Cal. Archives, M. XI, 175-184, 345-347.

Towards the end of May, 1840, Hartnell made a report upon the condition of affairs under the new system at the missions of San Francisco, Santa Clara and San Jose. At San Francisco Tiburcio Vasquez was major-domo and Francisco de Haro clerk at a monthly salary of ten dollars each. There were only nine or ten Indian men capable of labor at the mission: all the others were employed in the service of private persons and many of them against their will. In other words, they were held as slaves and not as voluntary servants, as the government contemplated in giving license for their employment. At Santa Clara, the major-domo was Ignacio Alviso and the Indians there were satisfied. At San Jose affairs were also promising under the major-domo, Jose Maria Amador.<sup>1</sup>

In July, Hartnell proceeded again to the south and made what he called his second visit. At San Luis Rey he experienced difficulties somewhat similar to those encountered at San Rafael. He appointed Jose Antonio Estudillo major-domo; but Pio Pico, the former administrator, and Andres Pico his brother who was acting under his instructions, refused to deliver up possession and assumed to manage the establishment and its dependencies of Pala and Temécula very much as they pleased. The condition of the Indians was pitiable and particularly so at Pala. All they had to clothe themselves with were rags. The women especially, who were compelled to resort to tule aprons, complained that they had devoted their whole lives to the service of the mission and their only recompense was barely enough food to support life, nakedness and a heritage of misery. All were violently opposed to the administration of the Picos and charged them with all manner of oppression. At San Juan Capistrano Hartnell appointed Ramon Arguello major-domo; but the Indians complained of all the Arguellos; and it was finally deemed prudent to remove him and appoint Agustin Jansens in his place. At San Gabriel there were complaints against Juan Bandini, the ex-administrator; but that person appeared before Hartnell and satisfactorily explained his conduct; and the establishment was harmoniously turned over to the care of Juan Perez as major-domo. Meanwhile the Picos had resorted to various stratagems to avoid relinquishing their hold on San Luis

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<sup>1</sup> Cal. Archives, M. XI, 353-356.



Rey, and Hartnell had at length applied to the prefect for the necessary force to compel them to obey the orders of the government. This movement had its desired effect; and Estudillo was finally placed in possession.<sup>1</sup>

During these last visits, there was much said about giving the Indians at several of the ex-missions their liberty and organizing them into regular Indian pueblos, as had been contemplated by the original acts of secularization. The small number and miserable condition of the Indians at San Francisco, for example, induced Hartnell to recommend that they should be collected together at San Mateo and formed into a pueblo at that place;<sup>2</sup> at San Juan Capistrano a somewhat similar proposition for the establishment of a pueblo was made by the Indians themselves;<sup>3</sup> and, if Hartnell had continued in office, it is likely something would have been done for the San Francisco Indians, as was afterwards actually done or attempted to be done at San Juan Capistrano. But the many difficulties he experienced in attempting to regulate the disorders everywhere existing rendered his office exceedingly distasteful to him. Besides the unpleasant rencounters with Vallejo and the Picos, he in August, 1840, met with a rebuff from the government itself in relation to the appointment of a major-domo for San Fernando. This thoroughly disgusted him. On September 7, 1840, he resigned.<sup>4</sup> The resignation was accepted, and the secretary of state directed to look after the affairs of the vacated office.<sup>5</sup>

One of the great difficulties experienced in all attempts to regulate the mission establishments was their anomalous position in point of law. The mission system had been abolished; the missions themselves had been declared secularized, and in repeated instances the establishments were already called and in some respects treated as Indian pueblos. But on the other hand they were not pueblos properly speaking. They had no existence as organized municipalities. Their real condition may perhaps be best explained by saying that their control and internal management had merely passed from the hands of the mission-

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<sup>1</sup> Cal. Archives, M. XI, 135-215; D. S. P. Ang. XII, 361, 362.

<sup>2</sup> Cal. Archives, M. XI, 355.

<sup>3</sup> Cal. Archives, M. XI, 146.

<sup>4</sup> Cal. Archives, M. XI, 186-189.

<sup>5</sup> Cal. Archives, M. IX, 285.

aries into those of the political government. Though ex-missions in law, they were still treated by the government as missions in fact. The Indians were still regarded as held in tutelage, but in tutelage under the civil instead of the ecclesiastical authorities. It was upon the ground that San Rafael was a pueblo and not a mission, that Vallejo attempted to justify his opposition to Hartnell,<sup>1</sup> though his claim was not admitted. So, although the establishment at Dolores was sometimes spoken of as a pueblo, it was not properly speaking a pueblo but an ex-mission. In 1839 Jose Castro, the prefect, at the solicitation of the inhabitants, made an application to the government for the organization of a pueblo;<sup>2</sup> and the government did, as a matter of fact, authorize the granting of building lots;<sup>3</sup> but there was no authoritative organization or recognition of the place as a pueblo in the sense in which either San Jose or Los Angeles or the Indian Las Flores, San Pasqual and San Dieguito were pueblos.<sup>4</sup>

The only one of the ex-missions that was regularly erected into an Indian pueblo was San Juan Capistrano. This was effected in accordance with a series of regulations issued by Alvarado on July 29, 1841. They provided that the Indian population should be organized into a municipality; that distributions of house-lots, cultivable fields, cattle, agricultural implements and other property should be made, and a regular system of municipal government established. There were various provisions designed to protect the Indians against the whites and to insure their equal rights; and, if either Indians or whites abandoned the lands granted to them for a year, there was to be a forfeiture of such lands, which might then be granted by the municipality to other persons.<sup>5</sup> To carry into practical operation the plan thus formed, Juan Bandini was appointed commissioner; and in September he proceeded to the spot. Finding the Indians very much divided in opinion—some being in favor of the new pueblo and some in favor of remaining under the

<sup>1</sup> Cal. Archives, D. S. P. V, 12-14.

<sup>2</sup> Cal. Archives, D. S. P. Ben. P. & J. III, 28.

<sup>3</sup> Cal. Archives, D. R. X, 326, 327; D. S. P. Mon. V, 146, 147; D. S. P. Ben. P. & J. IV, 230, 231.

<sup>4</sup> Cal. Archives, D. S. P. Ang. VI, 1, 2.

<sup>5</sup> Cal. Archives, D. S. P. Ang. VI, 402-405, 485; D. S. P. XVIII, 304-309.

mission system—and wishing to ascertain the strength of the respective parties, he divided them into two separate companies and found that those in favor of the pueblo were seventy, while those in favor of the mission were only thirty, chiefly women and very old men. He spoke to the latter, representing the desire of the government that they should be entirely free from tutelage, so as to enjoy for themselves the entire product of their own labors; and in a short time several of the minority crossed over and swelled the numbers of the majority. He then, in the presence of them all and in the name of the government, proclaimed that what had theretofore been the mission had become and thereby became the pueblo of San Juan Capistrano; and from that date the new pueblo commenced a sickly kind of existence. In a short time afterwards Bandini resigned. In the returns made two years later, it appeared that of about one hundred and fifty persons, to whom lots had been distributed, sixty-four, including forty-six Indians and all the whites, had forfeited their grants.<sup>1</sup>

After the plan of secularization had been adopted in 1834, by the terms of which among other things the ecclesiastical jurisdictions of the missions were to be changed into curacies and the missionaries to be replaced with curates, it was thought desirable to erect the two Californias, which had hitherto been dependent ecclesiastically upon Sonora, into a separate bishopric. The subject having been brought to the attention of the Mexican congress, that body on September 19, 1836, decreed that in case such a bishopric were created, the bishop, whom it reserved the right to confirm, should receive a salary of six thousand dollars and that the pious fund of the Californias should be placed under his care and charge.<sup>2</sup> During the troubles which followed, no further step appears to have been taken in relation to the subject; but in June 22, 1839, about the same time that Alvarado was appointed constitutional governor, a new diocese was created of the Californias; and Father Francisco Garcia Diego, who had first come to the country with Figueroa in 1833 from the convent of Guadalupe de Zacatecas, was appointed bishop.<sup>3</sup> He took the constitutional oath of office at

<sup>1</sup> Cal. Archives, D. S. P. XVIII, 287, 288, 299-303, 310-316, 321-327.

<sup>2</sup> Cal. Archives, S. G. S. P. XII, 185.

<sup>3</sup> Cal. Archives, S. P. XV, 99.

the hands of the president of the republic in the city of Mexico on September 19, 1840,<sup>1</sup> and towards the end of the next year, returning to California, arrived at San Diego on December 11, 1841.<sup>2</sup>

The news of the bishop's arrival was received with the most enthusiastic expressions of joy, especially at Santa Barbara where he proposed to reside. He reached that place on January 11, 1842, and was welcomed by the entire population. Triumphant arches had been prepared; the troops were called out; and a carriage of state was in waiting at the beach. When he disembarked and had blessed the multitude, a procession was formed and, as it moved, the great guns of the presidio thundered forth and were answered in glad acclaim by those of the bark Guipuzcoana in the roadstead. As the procession proceeded towards the mission, the people grew wilder and wilder in their enthusiasm; they took the horses from the carriage and dragged it along themselves. The bishop himself partook of the general excitement. Halting at a small house on the way-side, he alighted, went in and put on his pontifical robes; and then, resuming his seat, he was carried like a conqueror in triumph to the church, which was to be the seat of his episcopal see.<sup>3</sup>

Almost immediately upon his arrival, the bishop commenced the exercise of his functions and, among others, those of an ecclesiastical judge. His first case was what the French call a "cause célèbre." Casilda Sepúlveda, daughter of Enrique Sepúlveda of Los Angeles, complained that she had been married to Antonio Teodoro Truxillo against her will and asked for a decree annulling the marriage. The facts appeared to be that her father had violently assumed to dispose of her hand without her own consent and in fact against her open and express protestations. Being a lady of spirit, she refused to submit, declined to recognize Truxillo as her husband and appealed to the bishop. The novel character of the complaint and the prominence in social life of the parties rendered the case one of extraordinary interest to the Californians of those times. Father Narciso Duran was appointed theological coun-

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<sup>1</sup> Cal. Archives, D. S. P. Ang. XII, 467, 468; S. P. XVI, 119.

<sup>2</sup> Cal. Archives, D. S. P. Ben. P. & J. III, 861.

<sup>3</sup> Robinson, 195-197.

sel; a great deal of testimony was taken; and finally, after submitting the cause to the arbitrament of God as was substantially said, the bishop pronounced the marriage null and void.<sup>1</sup> The father was at the same time directed by the bishop's sentence to thenceforth treat his daughter with love and kindness and draw a veil over the past; and he was threatened with severe punishment if he acted otherwise. But neither was Casilda willing to return to her father's roof, nor was her father willing to receive or any longer recognize her as his daughter. Whether it was that the interference of the bishop roused animosities that could not be allayed, or whether it was merely because the same hot blood animated one that animated the other, it is certain that the father and daughter were never reconciled. On the contrary the quarrel between them appears to have grown more and more bitter and to have led to several other violent and scandalous controversies—one between Enrique and his wife and one between Enrique and the judges of Los Angeles, acting in assistance to the ecclesiastical court.<sup>2</sup> It was an unfortunate business all around.

The bishop entertained grand projects of improvement. He undertook to erect at Santa Barbara a cathedral, an episcopal palace, a monastery and a theological school. Plans were drawn and large piles of stone heaped up in various places to be used in the foundations of the new buildings. The people, upon being called on, contributed towards the cost; but the chief reliance for resources was upon the pious fund of the Californias, which, as will be recollected, the Mexican congress in 1836 had ordered to be turned over to the care and management of whoever should be appointed bishop. In February, 1842, however, Santa Anna, who in the political discords of the period had again been lifted to the presidency of the republic, refused to recognize the bishop's right; transferred the administration of the fund, then supposed to amount in value to two million dollars, to one of his subordinate officers, and soon afterwards ordered all the property of which it consisted to be sold in a mass and the proceeds to be paid into the national treasury. This confiscation deprived the bishop of his strength and put an end to his projects. It was a long time, on account of disar-

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<sup>1</sup> Cal. Archives, D. S. P. Ang. VII, 23-29.

<sup>2</sup> Cal. Archives, D. S. P. Ang. VII, 101-103, 371, 372, 750.

rangement of the mails, before definite information of these facts reached California; but when they became known, the work at Santa Barbara stopped; and the stone heaps remained stone heaps and nothing more.<sup>1</sup>

There was a very great difference between the bishop and the government in respect to the promptitude with which they organized their respective courts and assumed judicial jurisdiction. The bishop, as has been seen, made no delay but at once intervened as an ecclesiastical judge in the most important relations of civil society. The government, on the other hand, experienced the greatest difficulty in organizing its superior tribunal of justice or anything above the inferior tribunals known as courts of first instance, which were usually held by *alcaldes* or justices of the peace.<sup>2</sup> In 1839 Alvarado had particularly urged upon the attention of the departmental junta the importance of organizing a superior court; and, in accordance with his recommendations, four judges and a fiscal or attorney-general, had been appointed;<sup>3</sup> but several of the judges and the fiscal declined to act; and for a year or two nothing further was done. On April 1, 1841, in a proclamation relating to a horrible murder which had been committed in the previous January upon the person of Nicholas Fink, a German merchant of Los Angeles, Alvarado again called attention to the subject. He said that the murderers had been tried in the court of first instance, convicted and sentenced to death, and that the sentence had been remitted to the capital of the republic for approval; but that the delays occasioned by this circuitous mode of proceeding, and particularly in view of the anarchical state of affairs at Mexico, were intolerable. There might have been a remedy, he continued, if the superior tribunal had organized; but it had not; and the departmental junta could not at that time be legally convened to fill up the vacancies; and under the circumstances he was of opinion that the judges of first instance should, until the superior tribunal could be regularly installed, be authorized to execute even capital sentences.<sup>4</sup>

Within less than a month after this proclamation, another

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<sup>1</sup> Cal. Archives, D. R. XIII, 30; Robinson, 198.

<sup>2</sup> Cal. Archives, D. S. P. Ang. V, 657, 658.

<sup>3</sup> Cal. Archives, L. R. III, 361; D. S. P. Ang. X, 156.

<sup>4</sup> Cal. Archives, D. S. P. S. Jose, V, 257.

brutal murder was committed upon the person of an Englishman named Anthony Campbell near Santa Clara. There being no British vessel at the time on the coast, complaint was made to Captain Forrest of the United States sloop-of-war *St. Louis* at Monterey; and he at once addressed a note to Alvarado, calling his attention to the subject and asking that an investigation might be made, and justice done.<sup>1</sup> A few months afterwards a somewhat similar letter was received from Duflot de Mofras of the French scientific expedition then on the coast, complaining of the murder in 1840 of a Frenchman, named Pierre Dubose, at Sonoma, and also asking for the prosecution of the murderer.<sup>2</sup> About the same time news came from Todos Santos in Lower California that Jose Antonio Garraleta, the comandante at that point, had been stabbed to death by Juanita Gastelum, though it appeared from the accounts that the girl had inflicted the mortal blow to save her mother from a threatened assault and was entirely justified.<sup>3</sup> These repeated reminders of the necessity of effective measures to stem the course of crime, together with the governor's plainly expressed opinions, finally led to an extraordinary session of the departmental junta for the purpose of filling the vacancies in the superior tribunal of justice and putting that court into working order. The junta met on May 31, 1842, and elected Manuel Castañares fiscal in place of Juan Bandini with Jose Maria Castañares as substitute, and Eugenio Montenegro, Joaquin Gomez, Tiburcio Tapia and Juan Anzar substitute members of the court to fill vacancies that had occurred or might occur.<sup>4</sup> The tribunal organized and did some work; but it cannot be said to have distinguished itself either for learning, diligence or effectiveness. None of the judges were lawyers; nor were there lawyers in the country. Between 1827 and 1831 there were only two, and when they died there was none.<sup>5</sup> At the end of 1839 there was but a single one.<sup>6</sup>

As governor of Lower California Alvarado did, and could do, but little. Affairs there, ever since the erection of the Depart-

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<sup>1</sup> Cal. Archives, D. S. P. V, 35, 387, 388; D. S. P. XVII, 146, 147.

<sup>2</sup> Cal. Archives, D. S. P. V, 724.

<sup>3</sup> Cal. Archives, D. S. P. V, 350-353.

<sup>4</sup> Cal. Archives, L. R. IV, 9-14.

<sup>5</sup> Emeric vs. Alvarado, Transcript, 9705.

<sup>6</sup> "Unico abogado en el pais."—Cal. Archives, D. S. P. Ang. V, 555.

ment of the Californias under the constitution of 1836, which joined it to Alta California, had been in a very unruly and unsatisfactory state. In 1839, soon after Alvarado was appointed constitutional governor of the department, he suggested to the Mexican president the propriety and importance of making a personal tour of inspection to the various populated points of Lower California as well as to those of Alta California, for the purpose of reconciling conflicting interests, restoring tranquillity and regulating the government. But the central authorities, probably deeming Lower California of little account, replied that he should confine his visits to Alta California.<sup>1</sup> At that time Luis del Castillo Negrete, who succeeded Fernando de Toba in 1837, was acting in the capacity of political chief of Lower California. In 1840, when Alvarado as governor issued a decree in relation to the disposition of the property of those mission establishments where there no longer existed any community of neophytes, Castillo Negrete attempted to execute it within his jurisdiction, but the attempt evoked a determined opposition on the part of the missionaries. In a short time the quarrel assumed a bellicose character. Francisco Padilla put himself at the head of the malcontents; marched with a small body of troops against Castillo Negrete at Todos Santos; assaulted and took the place, and on July 10, 1842, compelled Negrete to deliver up the political command.<sup>2</sup> The great distance of the seat of disturbance from Monterey and the arid, mountainous and almost impassable character of the country for hundreds of miles south of San Diego not only prevented Alvarado from taking any part in the controversy but even from ascertaining anything definite about its existence. All he knew, he wrote to Mexico in June, 1842, was that Lower California, though an integral part of the department and in law politically dependent upon Alta California, was, as a matter of fact, practically independent of it.<sup>3</sup>

It was in Alvarado's time, and about March, 1842, that gold was first discovered in Alta California. It is true that, among the various reports of Drake's voyage, there is one which, in speaking of his landing at New Albion in 1578, says that "there

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<sup>1</sup> Cal. Archives, S. G. S. P. XVI, 50.

<sup>2</sup> Lassepas, 110, 111.

<sup>3</sup> Cal. Archives, D. R. XIII, 32-46.



is no part of earth to be here taken up, wherein there is not a reasonable quantity of gold or silver." But it seems probable that this statement is an interpolation. Whether so or not, it is very certain that Drake saw neither gold nor silver on the coast. There is no pretense that he did, in the very minute and circumstantial narrative, entitled "World Encompassed," by his chaplain, Francis Fletcher, who would hardly have omitted a matter of so much importance, if known; nor is there any reference to gold or silver in any of the narratives of the sailors appended to and published with the "World Encompassed." For these reasons and on account also of the very general, indefinite and interjectional character of the statement itself, it must be rejected as a fabrication. It is further true that there were reports that Captain Jedediah S. Smith, the first American who arrived in California overland, found gold in the Sierra Nevada mountains about the year 1826; but his discovery, if it were true, took place on the eastern side of the Sierra and not within what is now known as California.<sup>1</sup> But in 1841, Andres Castillero, the same person who afterwards discovered the New Almaden quicksilver mine in Santa Clara county, while traveling from Los Angeles to Monterey, found near the Santa Clara river a number of water-worn pebbles, which he gathered up and carried with him to Santa Barbara. He there exhibited them; said they were a peculiar species of iron pyrites, and declared that, according to Mexican miners, wherever they were found, there was a likelihood of gold being also found. A ranchero, named Francisco Lopez, who was living on Piru creek, a branch of the Santa Clara river, but happened at the time to be at Santa Barbara, heard Castillero's statement and examined his specimens. Some months afterwards, having returned home, he went out on a search for strayed cattle. At noon, when he dismounted from his horse for the purpose of resting, he observed a few wild onions growing near where he lay. He pulled them up and in doing so noticed the same kind of pebbles as those to which Castillero had called his attention. Remembering what Castillero had said about them, he took up a handful of earth and, upon carefully examining it, discovered gold.<sup>2</sup>

The news of the discovery, the exact location of which was a

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<sup>1</sup> Huse's Sketch of Santa Barbara, 1876, 13.

<sup>2</sup> Warner's Historical Sketch of Los Angeles, 1876, 11.

place called San Francisquito, about thirty-five miles northwest of Los Angeles, soon spread; and in a few weeks a great many persons were engaged in washing and winnowing the sands and earth in search of gold. The auriferous fields were found to extend from a point on the Santa Clara river about fifteen or twenty miles above its mouth over all the country drained by its upper waters and thence easterly to Mount San Bernardino. On May 14, 1842, Alvarado wrote to the prefect of the district, reproving him for not having given official notice of the discovery and directing him to gather and forward an account of all circumstances of interest relating to the gold for transmission to the supreme government.<sup>1</sup> From that time to this day, there has been more or less working of these mines; but no placers of very great richness have been found, and none to compare with those afterwards discovered on the tributaries of the Sacramento and San Joaquin. Taking the whole country together, however, from the Santa Clara river to Mount San Bernardino, a very considerable quantity of gold has been extracted. During the first year, though the methods of working were exceedingly rude, it is said that Lopez and a partner, named Charles Barec, with a company of Sonorians, took out over eight thousand dollars. In November, 1842, a package of about eighteen ounces of the gold was sent by Abel Stearns to the United States mint at Philadelphia; and upon assay it was found to be worth a little over three hundred and forty-four dollars.<sup>2</sup>

In person Alvarado was a fine-looking, well-proportioned man. In an old military document, made at Loreto in 1797, his father, Jose Francisco Alvarado, then twenty years of age, was described as a little over five feet one inch in height, hair chestnut, eyes gray, color white, nose sharp and inclined to aquiline, face without beard or scar;<sup>3</sup> and this description, increasing the height a few inches and darkening the hair and eyes, would apply also to the son. He was strong, active and athletic. In 1839, while governor, at the age of thirty, he married Martina, daughter of Francisco Maria Castro of San Pablo. It was a marriage by proxy, Alvarado being at the time detained

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<sup>1</sup> Cal. Archives, D. S. P. Ang. XII, 559, 560; D. R. XIII, 69, 70.

<sup>2</sup> Huse's Sketch of Santa Barbara, 13, 14; Warner's Historical Sketch of Los Angeles, 20, 21.

<sup>3</sup> Cal. Archives, P. S. P. Ben. XXV, 564.

at Monterey, while the bride was at Santa Clara, where the ceremony took place. Soon afterwards she was conducted by her brothers to her husband's house at Monterey; and the pair continued to live there until 1848, when they removed to San Pablo. Their eldest children were "born in the purple" at Monterey.

Notwithstanding his good constitution and excellent general health, Alvarado in September, 1841, had a severe attack of illness and found himself obliged to retire for a number of months from the cares of office. He accordingly devolved the government temporarily upon Manuel Jimeno Casarin, the "primer vocal" of the departmental junta. But on January 1, 1842, having recovered his health, he again resumed his position as head of affairs.<sup>1</sup> Meanwhile, his representations to the supreme government at Mexico of the defenseless condition of California, the great number of Americans that were commencing to pour in and the danger of the country's experiencing the fate of Texas, induced Santa Anna, then again in possession of power, to appoint a new governor in the person of a general of brigade in the Mexican army, named Jose Manuel Micheltorena, who had been with him in the Texan campaign.<sup>2</sup> On September 24, 1842, upon hearing of Micheltorena's arrival at San Diego, Alvarado issued a proclamation to the people of the department, announcing that he had asked to be relieved from office and congratulating them upon the appointment of a successor so well spoken of for military ability and nobility of character.<sup>3</sup>

On December 20, 1842, before Micheltorena arrived at Monterey to take possession of his office, Alvarado, having another attack of illness, again devolved the government upon Jimeno Casarin for delivery to his successor, and finally withdrew.<sup>4</sup> His administration had lasted from December 20, 1836, when he took the oath as revolutionary governor of the free and sovereign State of Alta California, until his resignation as constitutional governor of the Department of the Californias—a period of exactly six years.

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<sup>1</sup> Cal. Archives, D. S. P. Ben. Off. Cor. III, 90-95; D. S. P. Ang. XI, 637.

<sup>2</sup> Robinson, 206.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose, V, 256.

<sup>4</sup> Cal. Archives, D. S. P. Ang. XII, 581.

# BOOK VI.

## THE LAST MEXICAN GOVERNORS.

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### CHAPTER I.

#### MICHELTORENA.

THE commission of Manuel Micheltorena, or Jose Manuel Micheltorena as he was sometimes known, was issued January 19, 1842, and named him "comandante-general," "inspector" and "gobernador propietario" of the department of the Californias.<sup>1</sup> It being one of the chief objects of his appointment to stem the tide of American immigration, which had commenced to set with great force towards the shores of the Pacific, he was directed to take with him a military power; and he set about collecting at the Mexican capital, and continued to collect at the places through which he passed on his way to Mazatlan, such a body of troops as he could get together. He managed, principally by scouring the prisons, to gather about three hundred and fifty men. They were nearly all convicts. Their characters were so bad that at Mazatlan the authorities would not allow them to come in contact with the inhabitants, but insisted upon their being removed to an island in the harbor and strictly guarded until they could be embarked for their destination. They were miserable, dirty and ragged. Some of them had families and these were no less, but even more, wretched than the others. With these tatterdemalions, Micheltorena sailed about July 1. In hiring vessels to transport them to California, he made the mistake of contracting to pay the shippers a certain amount per day for such time as the passage might last, instead of a round sum for the voyage. The conse-

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<sup>1</sup> Cal. Archives, D. S. P. Ben. S. G. D. & D. I, 32-35.

quence was that the passage was made to last as long as water and provisions would hold out. It was two months after the vessels left Mazatlan before they reached San Diego.<sup>1</sup>

Robinson, who was present when the brig *Chato* with ninety of these so-called soldiers and their families arrived, describes their wretchedness as extreme. He says that not an individual amongst them possessed a jacket or pantaloons or had anything in the way of clothing except a few squalid shreds or a filthy blanket. The females were no better off, the scantiness of their mean apparel being too apparent for modest observance.<sup>2</sup> But, according to all accounts, their nakedness was exceeded by their thievery. Osio relates that Agustin V. Zamorano, who had been absent from California for seven years and was returning home, sick and helpless, as a passenger on one of the vessels, was robbed of everything he possessed; and it is even said that his watch and chain were taken by one of the officers. Such was the scurvy force thus on its way for the protection and salvation of what had already begun to be called "the most interesting part of the Mexican republic."<sup>3</sup>

On September 4, a few days after he arrived at San Diego, Micheltorena directed Santiago Arguello, the prefect of the second district, to give notice that he was about to march with his family and forces to Monterey and that the necessary entertainment and supplies should be furnished him at the various towns and missions, through which he would pass on his way.<sup>4</sup> In accordance with this notice, he took up his march and proceeded to Los Angeles. From that place, he sent word to Monterey that for various weighty reasons he was unable to proceed thither; that he found himself obliged to fix his residence at the city of Los Angeles, and that he there desired to be placed in possession of the government of the department. Manuel Jimeno Casarin, to whom Alvarado had just devolved the temporary government for the purpose of its delivery to his successor, at once replied that the request would be complied with,<sup>5</sup> and issued a call for a meeting of the junta at Los

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<sup>1</sup> Osio MS.

<sup>2</sup> Robinson, 207.

<sup>3</sup> Osio MS.

<sup>4</sup> Cal. Archives, D. S. P. Ang. VII, 594-596.

<sup>5</sup> Cal. Archives, D. S. P. Ang. XII, 580.

Angeles on December 30 to place the new governor in possession.<sup>1</sup> He himself directly afterwards took passage by sea for Santa Barbara and thence proceeded by land to Los Angeles.<sup>2</sup>

The departmental junta met at Los Angeles pursuant to call; and on December 31, 1842, in its presence, Micheltorena took the oath and assumed office. In his inaugural remarks, he promised to preserve and enforce the laws and to labor for the felicity and aggrandizement of the country. Besides relying upon the aid of Divine Providence, he proposed to depend upon the co-operation of the inhabitants of the inestimable Californias, and not only upon those of national birth but also upon the foreigners; for he intended, he said, in his consideration of men, to regard not their birth and origin but their personal virtues.<sup>3</sup> On January 6, 1843, he issued an address to the people, giving notice of his assumption of office and setting forth, as above indicated, the spirit in which he intended to conduct his administration.<sup>4</sup>

The "weighty reasons," which had prevented Micheltorena from proceeding to Monterey and being inaugurated in the capital of the department, arose out of the fact that Commodore Thomas Ap Catesby Jones of the United States navy had seized that place and it was then held by the Americans under his command. The United States had for a number of years been desirous of possessing California. The bay of San Francisco especially, which was recognized by all visitors as one of the finest in the world and the only perfectly safe one in more than a thousand miles of coast, was considered necessary for the protection of the Oregon settlements and as an outlet to the Pacific ocean for the immense expanse of country, as yet wild and unsettled, extending from the frontiers of Missouri, Arkansas and Louisiana westward. It was regarded as particularly important by the United States to prevent any leading European power from getting a foothold there, and most of all England, which already held Vancouver Island. In 1835, the United States made an offer to Mexico to purchase California; but the proposition was rejected. The next year the American sloop-

<sup>1</sup> Cal. Archives, D. S. P. Ang. XII, 578.

<sup>2</sup> Cal. Archives, D. S. P. Ang. VII, 207.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose, VI, 1; D. S. P. Ang. VII, 230; XII, 583, 584.

<sup>4</sup> Cal. Archives, D. S. P. Ang. XII, 668-670; D. S. P. Mon. VI, 450-452.

of-war *Peacock*. Commodore Kennedy, visited the coast for the purpose of keeping an eye upon the country, and in 1841 the exploring expedition under Captain Wilkes also made a visit, the main object being to examine, survey and gather information about California and the great bay of San Francisco. Meanwhile England and France had likewise turned their attention in the same direction. England in 1840 sent out Captain Belcher. The Hudson's Bay Company had been extending its force along the Pacific and looking forward with hope to negotiations then pending, for a cession of at least a portion of California in payment of a debt due from Mexico to British subjects amounting to over fifty millions of dollars.<sup>1</sup> And about the same time France sent out the expeditions of Du Petit Thouars and Duflet de Mofras.

Under the circumstances, rumors of all kinds in regard to the designs of the different powers, and especially of England, were rife; and it was well understood by the American naval commanders in the Pacific that upon the breaking out of a war between the United States and Mexico, which on account of the disputes about Texas was expected to occur at any moment, the first and most important thing they had to do was to forestall the rumored schemes of other powers and immediately to seize upon and hold Alta California.

About the end of the summer of 1842, affairs being in the condition described, while the American squadron of the Pacific under Commodore Jones was lying in the roadstead of Callao, Peru, information was received from John Parrott, consul at Mazatlan, stating that the expected war had without doubt broken out and urging him to proceed and seize upon California before the British could do so. It happened at the very same time this news arrived that the British squadron under Admiral Thomas was also lying at Callao. The two squadrons were entirely friendly and the usual courtesies passed between their commanders. Admiral Thomas called upon Commodore Jones and stated that he was paying him a parting visit, as the British squadron intended to sail the next morning. Jones inquired his destination; but Thomas replied that his orders were strictly private and confidential and that he therefore was not at liberty to divulge them. The next morning the British sailed. Com-

<sup>1</sup> Duflet de Mofras, II, 63-68.

modore Jones naturally thought they might have received the same news as himself and that their sudden departure under secret orders could mean nothing else than a descent upon California; and he therefore bestirred himself to get ahead of them. He immediately put the frigate *United States* and sloop-of-war *Cyane* in trim; took on board provisions, picks and shovels, and, spreading all his canvas, stood off for the northwest. His idea was that by crowding sail he could still reach California before the British; land a force; build batteries on shore, and prevent their landing.

As a matter of fact the British were bound for the Mosquito coast and not for California; but the Americans, being ignorant of this at the time, pressed forward with all possible speed and in the afternoon of October 19, anchored before Monterey. Commodore Jones at once addressed a communication to Alvarado, stating that war between the United States and Mexico had commenced; that he had come to take possession of Monterey, and that, having an irresistible force at his disposal, he intended to do so. At the same time he stated that he wished to avoid bloodshed and would wait until the next day for a peaceable surrender: otherwise he should feel obliged to bombard the town. Alvarado on his part was thunderstruck, so to speak, at the intelligence contained in the peremptory summons he had thus received. At first he thought of resistance; but, observing that the American forces consisted of some eight hundred well-armed men, he saw that there was no use whatever in attempting to resist. He therefore answered that all he felt able to do was to transmit the summons to surrender to the new governor, who was then on his march to Monterey and would arrive in a very short time. And that night, accordingly, he dispatched a special courier to Micheltorena with an account of all that had occurred. The next day, it being understood that Alvarado had no forces to make a resistance, Commodore Jones landed four hundred of his sailors and marines; took possession of the fort or castle; pulled down the Mexican flag; hoisted the stars and stripes in its place, and fired salutes. Immediately afterwards he took possession of the presidio and town and appointed officers to hold and govern it for the United States. But later in the same day, having upon further investi-



gation satisfied himself that the information upon which he had acted was incorrect and that no war had broken out, he lowered the stars and stripes; ran the Mexican tricolor up to its place again; withdrew his forces on shipboard, and gave notice to the Californians that he had been misinformed; that he had made a mistake, and that he would do everything in his power to repair the error.<sup>1</sup>

Micheltorena, when Alvarado's messenger with the news of the seizure of Monterey reached him, was at San Fernando on his way to the capital. He immediately determined to return to Los Angeles and provide, as well as he could, for the defense of the country. Before countermarching, however, he sat down and wrote to Santiago Arguello, the prefect at Los Angeles, congratulating him and the people of California that "estos miserables—these miserable" Americans had presented them an opportunity of demonstrating their national valor and approving themselves worthy the name of freemen. So far as he and his officers and troops were concerned, they were determined to sacrifice the last drop of their blood in the performance of their duty and the defense of the sacred rights, which had been so unjustly attacked. And he expected of every Californian, that he would be animated with the same feelings and would hasten forward and participate in the infallible victory that was bound to crown the national arms against the invader. The coward, that held back, should forfeit all rights of property; be declared an enemy of his country, and as such be expelled from its bosom.<sup>2</sup>

In view of his intended march to Monterey, which had thus suddenly been interrupted, Micheltorena had sent forward a vessel with arms and munitions. He immediately dispatched a messenger to Santa Barbara to order its return to San Pedro and the conveyance of its cargo to Los Angeles; and at the same time he directed all the cannon at San Diego, that could be of use, to be transported to the same place. His plans,

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<sup>1</sup> The foregoing account of Commodore Jones' sailing from Callao and seizure of Monterey is derived chiefly from statements of John Clar, custodian of the California Archives at the time of his death in 1884. Clar was professor of mathematics on board the *Cyane*. He acted as interpreter between the United States and Californian authorities in the Monterey business. He had previously in 1836 visited the coast in the capacity of commodore's private clerk on board the *Peacock*.

<sup>2</sup> *Cal. Archives*, D. S. P. Ang. XII, 660, 661.

quickly formed, evidently were to make a stand at Los Angeles and there win the infallible victory over the aggressor, of which he had spoken to Arguello.<sup>1</sup> But he had scarcely completed his orders, when a second messenger from Monterey brought the news of Commodore Jones' relinquishment and evacuation. He therefore addressed a second note to Arguello, conveying the agreeable intelligence and stating that he had demanded a public satisfaction from the commander of the American forces for the outrage done to the Mexican flag. He also stated that he had just been informed that Victor Prudon and Jose Antonio Carrillo had seized the American merchant ship Fazio on the ground of its being a public enemy. While he complimented their energy, he begged Arguello to remind them that the determination of what measures should be taken for the defense of the country had been confided and properly belonged to himself alone as governor of the department; and he ordered that the ship should be released and proper apology and satisfaction made to the arrested captain.<sup>2</sup>

Notwithstanding Jones' withdrawal from Monterey, Micheltorena, either on account of the orders he had already transmitted or because he had changed his mind in regard to his headquarters and residence, did not go forward but returned to Los Angeles and sent word that he would receive the government and be inaugurated at the latter place; all of which took place on the last day of December, 1842, as has been stated. A few weeks afterwards, Commodore Jones made him a visit at Los Angeles; and on January 20 a series of propositions was agreed to between them, setting forth the facts and circumstances of the seizure of Monterey and containing an agreement that at twelve o'clock the next day the American vessels then at San Pedro should salute the Mexican flag. Micheltorena demanded fifty complete suits of infantry uniform, a lot of musical instruments and fifteen thousand dollars in reparation of losses claimed to have been occasioned to the Californians; but Jones replied that so far as claims of this kind were concerned, they should be left for adjustment to their respective governments. With this answer Micheltorena was obliged to be satisfied. The next day, in

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<sup>1</sup> Cal. Archives, D. S. P. Ang. XII, 662, 663.

<sup>2</sup> Cal. Archives, D. S. P. Ang. XII, 664, 665.

accordance with agreement, Jones saluted the Mexican flag; and thus, frankly acknowledging his error, he made honorable amends for it.<sup>1</sup>

As soon as Micheltorena could examine into the financial affairs of the department, he found that there was no money in the treasury. It appeared that before Alvarado went out of office the public receipts, which came almost exclusively from customs, were insufficient to cover the expenses of the government; and that he had been obliged to suspend the payment of salaries to various civil functionaries.<sup>2</sup> The income of the Monterey custom-house, which in 1839 had exceeded eighty thousand dollars, did not much exceed sixty thousand in 1842; and in the last months of the latter year there was none at all.<sup>3</sup> Such being the case, Micheltorena ordered a loan, until duty-paying vessels should arrive or funds could be received from Mexico. In the meanwhile he could pay his soldiers only half a real or six and a fourth cents each per day and his officers less than one-quarter of their salaries.<sup>4</sup> The great scarcity of revenue naturally led to inquiry into the administration of the customs; and, as soon as investigations were instituted, complaints began to be made of various abuses. The most serious were against William A. Richardson, captain of the port of San Francisco. Figueroa had originally given him that office with the understanding that he would settle and reside at Yerba Buena. Richardson had done so; but in the course of a few years he had moved to Saucelito; and it was charged that he made a practice of taking vessels and particularly whalers arriving in the bay to that anchorage, collecting tonnage from them, which he kept for his own use, and allowing them to carry on trade there in violation of the laws. There seems to have been some truth in the accusations; for the next year, when an anchorage fee known to have been collected by him was demanded by the custom-house officers, he claimed that he was entitled to retain all such fees as the only salary he received.<sup>5</sup>

Micheltorena next turned his attention to the missions and

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<sup>1</sup> Cal. Archives, D. S. P. Ang. XI, 675-681.

<sup>2</sup> Cal. Archives, D. S. P. Ben. Off. Cor. III, 96, 97.

<sup>3</sup> Cal. Archives, D. S. P. Ben. C. H. V, 241-285.

<sup>4</sup> Cal. Archives, D. S. P. Ben. Off. Cor. III, 103, 114.

<sup>5</sup> Cal. Archives, D. S. P. Ben. Off. Cor. III, 157, 214.

conceived the extraordinary project of restoring them. Not that the conception originated with himself: it had been talked about for some years; and in 1840, while Father Garcia Diego, the new bishop of California, was still in Mexico, the government had promised him to restore the establishments to the same condition they had been in before secularization. But nothing had been done; and it was very plain that nothing of value in the way of restoration could be done. It was reserved, however, for Micheltorena to think, or, for the purpose of securing the influence of the ecclesiastics, to profess to think, otherwise. He was scarcely warm in his gubernatorial seat before he attempted by a mere stroke of his pen to roll the course of events backward and re-establish the old system. On March 29, 1843, he issued a labored proclamation with this end in view. After setting forth that he had been instructed and invested with the necessary authority by the national government to examine into the condition of the missions and to regulate them, he went on to say that he had consulted with Father Jose Joaquin Jimeno and Father Jose Maria de Jesus Gonzales, the respective presidents, who also represented Father Narciso Duran, presidential vicar, and that from all the examinations, interviews, deliberations, consultations and reflections upon the subject, it appeared that most of the lands, formerly belonging to the missions, had been granted to private individuals; that the missions themselves, which had been founded for the conversion of the Indians to the Catholic faith and to an agricultural and peaceful life, had been reduced to mere church buildings with inclosures and gardens; that the missionaries had no support except charity; that religion, instead of prospering, barely sustained itself; that the Indians, naturally idle and improvident, having no fixed employment or residence and being mostly naked and ill fed, were disposed to wander off and die impenitent in the deserts and woods; that the methods in vogue of employing them frightened them away instead of attracted them within the pale of the church, and retarded instead of encouraged agriculture; that in the administration of the missions great frauds and notorious extravagances had been committed, which every Californian could not but lament; and that there was no other method of reanimating the giant skeleton of

the ruined establishments except by falling back upon the experience of the ecclesiastical power and fortifying it with the civil power.

All these things being, as he said, duly considered, Micheltorena proceeded to order and decree the restoration of the missions of San Diego, San Luis Rey, San Juan Capistrano, San Gabriel, San Fernando, San Buenaventura, Santa Barbara, La Purísima, San Antonio, Santa Cruz, Santa Clara and San Jose by directing them to be delivered up to the missionary fathers, who were to take charge of and govern the Indians in the same manner as before. They were to collect and care for the scattered neophytes, except such as were lawfully exempt by government order and such as were provided for by private individuals and preferred to remain as they were. What had already been done in reference to mission property was to be considered as irrevocable; none of the lands granted could be reclaimed; and, in recovering cattle, goods and agricultural implements, amicable arrangements should be made with the holders of them. The products of the property remaining or recovered were to be applied to the support of the Indians and of religion, upon condition, however, that upon written order of the governor, a one-eighth part of the entire annual produce was to be applied to the relief, sustenance and clothing of the troops and civil employees of the government. And for the protection and defense of the missions in the lands and property still held by them, the departmental government, proud of its religion and interested in the advancement of the holy Catholic faith as well as in the prosperity of the country, pledged itself to make no more grants without information to the missionary fathers, except in cases of notorious non-occupation or necessity.<sup>1</sup>

On April 30, for the purpose of practically carrying out this decree of restoration, a circular was issued, addressed to all administrators of missions and directing them respectively to turn over the properties under their control to such missionaries as should be named to take charge of them by the father president of the jurisdiction.<sup>2</sup> Thus, in so far at least as mere decree and circular could accomplish the object, twelve of the old missions were restored. But they still remained the same substan-

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<sup>1</sup> Dwinelle, Add. 83, 84.

<sup>2</sup> Cal. Archives, D. R. XIII, 98, 99.

tially ruined establishments that they were before. The old missions, as they had been in the days of their success, could not be resurrected. They had been shorn of their glory and their prestige. They had long lost the spirit that had vivified their growth. The apostolic zeal that had animated their old founders and alone rendered their maintenance possible had passed away. Micheltorena himself had spoken of the mission system as a skeleton. It was a skeleton. He might give it a sort of galvanic action. He might rattle its dry bones. But to give back the breath of organic life was impossible.

While devoting his attention to ecclesiastical matters, Micheltorena appears to have been addressed by Father Francisco Garcia Diego, the bishop of the Californias, upon the subject of tithes. Having been deprived by Santa Anna of the pious fund, the bishop was left without resources and was casting about for means of supporting his state. The civil obligation of paying tithes had been abolished in 1833. An effort had been made in 1839 and again in 1840 to restore it in part at least, without success.<sup>1</sup> The effort was now renewed. Micheltorena in reply assured the bishop that the departmental government regarded with the greatest displeasure the sordid avarice which had thus far managed to evade the payment of these contributions; but it could not interfere in opposition to the laws: in other words, it could do nothing for his relief.<sup>2</sup> Thus the bishop, being deprived of the pious fund on the one side and being on the other unable to enforce the collection of tithes, had no reliable income of any kind; and consequently the new bishopric, which had been intended to replace the old mission system, was in almost equally bad condition. The difference was that the bishopric had some life in it but no activity; the mission system had some activity but no life.

In the meanwhile affairs at the Mexican capital, after several years of virtual anarchy, were working towards what seemed for a while to be a kind of settlement. In June, 1843, a new system went into operation founded upon what were known as the "Bases de Tacubaya," or new bases of political organization of the republic. They consisted of a series of propositions, drawn up chiefly by Santa Anna and designed to harmonize conflict-

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<sup>1</sup> Cal. Archives, D. S. P. Ang. III, 34-37; XII, 355, 356.

<sup>2</sup> Cal. Archives, D. R. XII, 83, 84; D. S. P. Ang. VII, 338; XII, 676-678.

ing interests in such a way as to maintain their author at the head of affairs. That astute politician, who was endowed almost as largely with the ability or adroitness as with the will to sustain himself as a dictator, still managed to keep at or near the top. To do so, he at one time courted one party and at another time another, and, according to circumstances, adapted his principles and policy. At this period he was on the counter-revolutionary tack and very plainly showed it in several remarkable proclamations which he issued from the palace of the national government at Tacubaya. The first, dated June 21, 1843, was in substance a restoration to prominence of the Jesuits. He set forth that all the measures of force and violence, that had been exercised for more than three hundred years, had failed to civilize the Indians of the frontiers; that the Jesuits had inaugurated a peaceful system of conversion and civilization and had dedicated themselves to it with the most laudable zeal; that various departmental authorities as well as individual citizens, among the most distinguished for their adhesion to liberal principles, had recommended a restoration of the Jesuit administration as the best calculated to contribute to the security and prosperity of the territory inhabited by the wandering tribes, and that in the United States and in other parts of America toleration of the Jesuits had been found entirely compatible with republican institutions and the liberties, which it had cost so much blood to establish. He therefore, by virtue of the authority conferred upon him by the Bases of Tacubaya and the will of the nation, decreed and ordered that the Company of Jesus might establish missions in the Californias, Durango, Chihuahua, Coahuila and Texas for the purpose of civilizing the savages and securing the integrity of the Mexican territory.<sup>1</sup>

The next of his remarkable proclamations of this period was dated June 26, 1843. In this he announced that with the object of effecting the political regeneration of the nation not only by the improvement of the fundamental laws but by the establishment of a higher grade of public morals, and in view of the great corruption of manners and the relaxation of social ties which had been the natural result of thirty years of disorder and revolution, and for the purpose of terminating as far as possible the

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<sup>1</sup> Cal. Archives, S. G. S. P. XVII, 338-340.

evils afflicting the country and securing respect for the eternal principles of justice and the sacred rights of property, he therefore decreed and ordered that the amnesties and pardons, granted for the purpose of putting a stop to civil war and dissension, should apply only to public matters and not affect the rights of private persons; that consequently property, taken during the civil disturbances by revolutionists and still existing and capable of identification, should be subject to recovery by its owners; and that the political and judicial authorities should in all proper cases be obliged to compel restitution.<sup>1</sup>

On September 15, 1843, he issued a third and still more remarkable proclamation. In this document, he gave notice that he had had occasion to review the causes, which had called forth orders prohibiting the landing of priests coming from Spain, and was convinced that, however useful such orders may have been at the time, they were so no longer. In the great scarcity of ecclesiastics in the northern department, every priest was useful. Nor did it at all comport with the generous and hospitable character of the Mexican nation, after the danger of public disturbance had passed away, to keep its doors any longer closed. It was therefore resolved that the orders referred to should be abolished and that Spanish priests should be allowed to freely come to and reside in the country, under the obligation however of serving in the missions in case the government deemed it necessary.<sup>2</sup>

If Santa Anna had been really actuated by the liberal motives which he thus professed; if it could be believed that he was acting as a statesman and not as a scheming politician; if he could be credited with sincerity, he might be entitled to great praise for these papers. They indicated progress, and progress in the right direction. But it was rather the progress of public opinion, which Santa Anna was far-seeing enough to perceive and place himself in front of, than any advance in himself. He was still the Santa Anna of old; skillful, adroit, consummate; but self-seeking and essentially low. Though entitled by a vote of the Mexican congress in 1835 to be called "Benemérito de la Patria,"<sup>3</sup> a designation which had been conferred only upon such

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<sup>1</sup> Cal. Archives, D. S. P. Ang. VIII, 140-143.

<sup>2</sup> Cal. Archives, S. G. S. P. XVII, 355-359.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose, II, 657.



patriots as Guerrero and even then only posthumously,<sup>1</sup> he seems to have been conscious of a lack of personal dignity. He felt the need of adventitious aids to insure the respect which his presence alone failed to inspire. It was some such feeling, probably, little as he would have acknowledged it, that induced him in October, 1843, to issue a decree that more nearly exhibited the man as he was. He ordered, for the pretended object of securing respect for the office, that the constitutional president of the republic, which he expected soon to become, should wear suspended from his right shoulder and hanging down on his left side a silken sash, of the three national colors, six inches broad, and upon this sash, at the breast, a golden medal of the national coat of arms adorned with jewels and precious stones; and that the temporary president, which he then was, should wear the sash but without the medal.<sup>2</sup> There is an object besides mere vanity and show, in the braid and feathers of a general in active service; there is, perhaps, an excuse, as a fitting relic of a barbarous age, for the baubles of a king; but for a republic, in an enlightened age, to trick out its president in gewgaws is an absurdity, which reflects no credit either on the one or on the other.

Under and by virtue of the new organic bases or Plan of Tacubaya, a constitutional president was to be elected, and the vote of the Californias was to be thrown by the departmental junta. The body, accordingly, met at Monterey on November 1 and proceeded to ballot; and the result was a unanimous vote for Santa Anna, who received also the majority of votes throughout the republic and became president elect.<sup>3</sup> By the same bases, the name of the departmental junta was changed to that of "asamblea departamental" or departmental assembly. This new body was to consist, like the old one, of seven members with a like number of substitutes, and to be elected in the same manner. On November 19, the electoral college met as usual at Monterey and, after choosing Manuel Castañares delegate to the Mexican congress and Antonio Maria Osio substitute, it elected Pio Pico, Francisco Figueroa, Narciso Botello, Francisco de la Guerra, David Spence, Jose Ramon Estrada and Estevan

<sup>1</sup> Cal. Archives, D. S. P. S. Jose, II, 583.

<sup>2</sup> Cal. Archives, S. G. S. P. XVII, 322, 323.

<sup>3</sup> Cal. Archives, L. R. IV, 54; D. S. P. Ang. VII, 706; X, 179; XII, 598.

Munras, members to the new departmental assembly, and Carlos Antonio Carrillo, Antonio Suñol, Juan Miguel Anzar, Salvio Pacheco, Jose Castro, Ignacio Peralta and Ignacio del Valle substitutes.<sup>1</sup>

But as one of the chief objects in sending Micheltorena to California was to make head against the foreigners and especially the Americans, it was to this object that, for a while at least, he devoted most of his attention. In March, 1843, he wrote to Sutter, calling upon him as a naturalized citizen of Mexico to execute the laws and in effect to prevent hunters and trappers from plying their occupation except on written license.<sup>2</sup> On July 4 of the same year, Santa Anna issued an order that no Americans should be allowed to reside in California—that those already in the department should be required to leave within a period to be fixed, and that no more should be admitted.<sup>3</sup> In September following, he ordered that no foreigners, except such as were naturalized or were married to Mexicans or resided in the republic with their families or had Mexican apprentices, should carry on retail trade.<sup>4</sup> In November, he ordered that letters of security to enable foreigners to live lawfully in the country should be applied for annually at the Mexican capital—a provision which, on account of the long period, difficulty and delays of communication, as Micheltorena pointed out in reply, it was absolutely impossible to comply with so far as California was concerned.<sup>5</sup>

All these orders were of little or no effect in California, where the foreigners already possessed entirely too strong a hold to be interfered with. Under the circumstances, they only served to exhibit the weakness of the Mexican government and its ruler. By insisting on so much that was impossible, or at least impracticable, they not only failed to accomplish anything, but laid themselves open to ridicule. On the other hand, it was ordered that, in filling up the main Mexican army, no men should be drawn from California,<sup>6</sup> and that Micheltorena should be supplied with money. In April, 1843, the custom-house of Mazat-

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<sup>1</sup> Cal. Archives, L. R. IV, 63, 64; D. S. P. Ang. X, 182.

<sup>2</sup> Cal. Archives, D. R. XIII, 94.

<sup>3</sup> Cal. Archives, S. G. S. P. XVII, 372, 373.

<sup>4</sup> Cal. Archives, S. G. S. P. XVII, 156-158.

<sup>5</sup> Cal. Archives, S. G. S. P. XVII, 363-365, 396.

<sup>6</sup> Cal. Archives, S. G. S. P. XVII, 174.

lan was directed to transmit twenty thousand dollars,<sup>1</sup> and in August to furnish eight thousand dollars per month.<sup>2</sup>

In the meanwhile, immigrants were arriving in large numbers, some with licenses and some without. The former class consisted of what was known as the emigration from New Mexico. A sort of commerce, carried on across the Colorado desert by caravans or pack-trains of horses and mules, had commenced as early as 1833. In that year a company of Santa Fe traders brought to Los Angeles a large number of blankets. An attempt was made to impose upon them the usual import tax of twelve per cent.; but they claimed that as Mexican citizens, proceeding from one part of the Mexican territory to another, they were exempt. Their claim, being valid and admitted,<sup>3</sup> gave rise to a considerable traffic. In 1837 three New Mexican residents obtained passports for the purpose of emigrating with their families and settling in California; but, being unable to get off that year or the next, they asked and obtained renewals of their passports for 1839.<sup>4</sup> In the winter of 1839-40 a large caravan of seventy-five persons under the lead of Jose Tomas Salazar arrived at Los Angeles.<sup>5</sup> From that time for several years there was a regular Santa Fe caravan, bringing blankets and woolen stuffs and taking back horses and mules. The New Mexican blankets were valued at from three to five dollars each and the Californian horses and mules at about double that amount. The caravan usually left Santa Fe in October, before the snows commenced to fall; traveled a little south of west; crossed the Colorado a hundred miles north of the mouth of the Gila, and thence proceeded to Los Angeles and other points in California. The time required was about two months and a half. It started on its return with horses and mules about April, reaching the high altitudes of the interior after the snows had melted.<sup>6</sup> In the winter of 1841-42, the number of individuals who arrived from New Mexico exceeded two hundred, nearly all of whom expressed an intention of settling in California.<sup>7</sup> In the spring

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<sup>1</sup> Cal. Archives, S. G. S. P. XVII, 187, 188.

<sup>2</sup> Cal. Archives, S. G. S. P. XVII, 228, 229.

<sup>3</sup> Cal. Archives, D. S. P. Ben. Misc. II, 275, 276.

<sup>4</sup> Cal. Archives, D. S. P. Ang. V, 10.

<sup>5</sup> Cal. Archives, D. S. P. Ang. V, 821, 822, 828.

<sup>6</sup> Duflot de Mofras, I, 354, 355.

<sup>7</sup> Cal. Archives, D. R. XIII, 27, 28.

of 1843, a party started back with some two hundred and fifty horses and mules; but in the latter part of the year Salazar, who had made himself prominent as a leader, brought out a new caravan of one hundred and seventy-five persons, including ten families.<sup>1</sup>

The other immigrants were chiefly Americans. A few of these came for the purpose of purchasing horses, as was the case with a party of about a dozen, led by Joseph R. Walker, who were at Los Angeles in 1841.<sup>2</sup> In the same year came also Benjamin D. Wilson, Joel P. Walker, William Knight, William Gordon and Edward A. Farwell, Americans, and William Benitz, Ernest Rufus, Theodor Cordua and Sebastian Kayser, Germans. They were too few to occasion special attention; and, besides, Knight had been for many years a resident of New Mexico and had been naturalized there. But there was an American immigration coming that was felt to be dangerous and that with reason caused terror to the Mexican authorities. These were the adventurers from the frontiers of Missouri. They were not, properly speaking, either traders, hunters or trappers. They were the advance guard of the irresistible march of the American people westward; and, when they began to pour into California, its future fate was no longer doubtful. The first really alarming installment of them left Independence, Missouri, in May, 1841; passed by the way of Salt Lake to Carson river, and thence by the way of Walker's Pass over the Sierra to Marsh's ranch near the foot of Monte Diablo, whence it dispersed—a few afterwards returning to Missouri and a few going to Oregon, but almost all remaining in California. This party consisted of about sixty persons, among whom were John Bidwell, Joseph B. Chiles, Josiah Belden, Charles M. Weber, Charles Hopper, Henry Huber, Talbot H. Green, Robert Rykman, Charles W. Flügge, Benjamin Kelsey and his wife, Andrew Kelsey, Grove C. Cook and Elias Barnett. It was of this party, and the report that many more were to follow it, that Alvarado wrote to Mexico when he cautioned the supreme government to take the proper measures or look out for a repetition of the history of Texas.<sup>3</sup>

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<sup>1</sup> Cal. Archives, D. S. P. Ang. VII, 345, 346, 671-675.

<sup>2</sup> Cal. Archives, D. S. P. Ben. P. & J. IV, 37-39.

<sup>3</sup> Cal. Archives, D. R. XIII, 24, 25.

In 1842 there was a party of about seventy persons, said to be principally Canadians, in the San Joaquin country;<sup>1</sup> and in the same year came Stephen Smith, David W. Alexander, Samuel Neal and James Coates; in 1843 other parties, among whom were Pearson B. Reading, Samuel J. Hensley, L. W. Hastings and Nathan Coombs; and in 1844, still others, including Martin Murphy and his sons, John Sullivan, Dr. John Townsend, Allen Montgomery, Moses Schallenberger, James Miller, William Patrick and Dennis Martin and others. The Murphy party are said to have been the first, or at least the most successful, in getting through with ease and bringing their wagons with them safely over the mountains. It was their good fortune, owing chiefly to their good management, to conciliate the Indians all along the route and at the eastern foot of the Sierra Nevada to procure the willing services of an old chief, who called himself Truckee—for whom they named the river they followed up—to pilot them across into the Sacramento valley.<sup>2</sup> Soon after their arrival at Sutter's fort, there was born to the wife of Martin Murphy, junior, a daughter, whom they named Elizabeth; and she is said to have been the first child of American overland immigrants born in California.<sup>3</sup> From that time forward the journey across the plains, though very long and tedious, was not considered formidable. In the meanwhile, there was much alarm not only among the officials in California but also among those in Mexico. On October 9, 1843, Bocanegra, the minister of foreign affairs, wrote that the government had received notice of a thousand families on their way from the frontiers of Missouri and Arkansas, with the ostensible destination of Oregon but in fact intending to establish themselves in Alta California, and called the governor's attention to the express orders that no American family should be allowed to settle in the country. Micheltorena replied in the following March that the alarming emigration consisted of a thousand persons, instead of families, and that he had transmitted the proper orders to Sutter and Vallejo.<sup>4</sup>

So far as Vallejo was concerned, there can be no doubt that

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<sup>1</sup> Cal. Archives, S. P. XIX, 165.

<sup>2</sup> History of Monterey County, 43.

<sup>3</sup> History of San Mateo County, 252.

<sup>4</sup> Cal. Archives, S. G. S. P. XVII, 96.

he would have gone far against the American immigrants, if it had been safe to do so; but it was different with Sutter. The latter was himself a foreigner and cared nothing about the patriotic traditions of the Mexican nation. Though a naturalized citizen of the republic, he was not specially wedded to the notion of maintaining the integrity of the Mexican territory. He found himself at a point on the frontier to which all the American adventurers converged; and a very little experience convinced him that, instead of attempting to drive them off, it was his interest rather to welcome and court them. He was not so blind as not to see that they were destined in a short time to become masters, and that their friendship was much more advantageous than their enmity. He accordingly made no sort of attempt to stop their coming. His friendship for the Americans excited the suspicion of the Mexican officials and occasioned a considerable amount of confidential correspondence;<sup>1</sup> but nothing of importance was done, or could be done, to change his course. A few months later, in September, 1844, when the dangers threatened by American immigration and the measures which ought to be adopted again became subjects of discussion, it was recognized as a plain fact that a much larger military force than any in the country or any likely to be forthcoming would be necessary, if anything effective was to be done towards staying the tide.<sup>2</sup>

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<sup>1</sup> Cal. Archives, S. G. S. P. XVII, 428, 429.

<sup>2</sup> Cal. Archives, S. G. S. P. XVII, 489-491.

## CHAPTER II.

### MICHELTORENA (CONTINUED).

**M**ICHELTORENA, as the first magistrate of the department under the bases of Tacubaya, was invested with more ample powers than any former governor. He also had a larger military force at his disposal than any of his predecessors. But he was essentially a weak man; and his soldiers, being chiefly drawn as has been stated from the prisons of Mexico, were as vile and vicious a crowd of vagabonds as could well have been raked and scraped together. The only proper method of managing them would have been with a rod of iron. A few summary drum-head courts-martial, followed by speedy executions, were much needed and might have served an excellent purpose. An able general, with circumspect appreciation of his responsibilities, would not have hesitated. But Micheltorena was not made of the stern stuff required of a man placed in his position.

He had scarcely landed in California before complaints began to be made about the conduct of his followers. Thefts and robberies, cuttings and stabbings, in fact all manner of crimes and outrages became frequent. Not only most of his soldiers but many of his officers were blackguards and cut-throats. In a short time, the reputation of the entire force grew so bad that the few decent men amongst them protested and demanded of the governor that, for the preservation of their own reputations as well as for the protection of the public, the guilty should be exposed, prosecuted and punished. To all these complaints and protests, Micheltorena answered that he had given orders to apply the proper remedies, or that he would himself apply the proper remedies; but day after day and week after week and month after month passed, and complaints became more and

more rife; yet nothing was done; and it became plain that nothing effective was going to be done.

In the autumn of 1843, after the governor had moved up from Los Angeles and established his residence at Monterey, Colonel Rafael Telles, his second in command, who appears to have been among the chief complainants of the irregularities of the troops, seeing that the general himself would not act, undertook on his own motion to effect something like reform. He began to make a practice of visiting the quarters, investigating offenses and ordering delinquents to be severely flogged. In some instances he found that officers were involved; and in these cases, as well as in those where he punished soldiers, he reported the facts to the general. But upon all such occasions Micheltorena merely nodded his head and shrugged his shoulders, without either approving or censuring what had been done or giving any directions one way or the other as to what ought to be done. Under the circumstances, Telles continued his severity. It did not last long, however. A combination of those whom he had punished and those who knew they deserved punishment was formed; and a formal remonstrance made of what was called his excessive rigor. The governor, influenced by the number and earnestness of the remonstrants and apparently horrified on being shown the bloody back of one of the knaves who had been chastised, ordered Telles to desist from any further attempts at reform of that character. The latter replied that he had done nothing except what his duty required; and, if he could not be allowed to continue in the same course, he desired to be released and permitted to return to the army in Mexico. This proposition Micheltorena refused to entertain but at the same time insisted on no further lashes being inflicted; and the result was such a fit of disgust and suppressed bile on the part of Telles as to superinduce a severe attack of fever.

Osio, who relates the circumstance, says that the fever lasted twenty days and was dangerous, but that there were no army doctors present and the patient recovered. When he was convalescing, he left his bed for the purpose of paying a visit to the governor; and again the controversy was renewed. Micheltorena counseled the sick man to have patience at least until his health was restored; but Telles insisted that he could not rest



while affairs remained in such a condition. The robberies and excesses that were being committed by the soldiers, and in many cases connived at by the officers for the purpose of sharing in the booty, were simply intolerable. There were no high words between the two; but when they parted they were no longer friends. Telles, as the inferior in rank, was obliged to yield obedience; but it was an unwilling obedience. It would have been much better for Micheltorena, as the sequel proved, to have allowed him to return to Mexico as he had desired.

As soon as Telles was out of the way, so to speak, the insolence and unbridled license of the soldiers broke forth with redoubled violence. They began to steal and rob by day as well as by night, so that it became unsafe for a person to go out alone or without a strong guard; and, even if it were known that a traveler had no money, he would not unfrequently be robbed of his clothes, which were stripped from his person; and, if he resisted, he was liable to be left dead or dying where beaten down. One day, while things were so, a French whaler arrived in port. The captain went on shore and was detained till dark. In the evening a pilot landed with a few sailors to fetch him off, but had not been on shore long before he was attacked; and a desperate fight took place in which, besides having several fingers cut off, he was dangerously wounded in a vital part. On the other hand, one of Micheltorena's soldiers was killed outright and another transfixed with a harpoon in the hands of a French sailor. The result was a great excitement. When the matter was reported to Micheltorena, he turned on the French captain and charged him with being the cause of the disturbance by remaining on shore when he ought to have returned to his vessel before nightfall. But the Frenchman, with much greater reason and being thoroughly roused, replied that it was not himself but the governor who was the cause of the outrage, by keeping about him a crowd of thieves and cut-throats among whom he either could not or would not maintain order and discipline. Nor was he satisfied with making this answer alone, but informed Micheltorena that he intended to demand full satisfaction for the murderous attack that had been made upon his men; and he threatened to sail that very night with his complaints in search of the French fleet,

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which was then in the Pacific. The threat caused the governor to change his tone; and finally a sort of a truce and composition was patched up between them.

This state of affairs could not have lasted long, even if there had been no other causes of dissatisfaction in the country. But there were various other causes. One of the chief was that the departmental assembly had been called to meet at Monterey in the early part of 1844 and no timely notice sent to Pio Pico and several other members residing in the southern part of the department. The meeting was an important one. Under the provisions of the Plan of Tacubaya, the assembly was to have the power of choosing a list of candidates out of which the president of the republic was to appoint one as governor of the department. The assembly, at its meeting so called of February 10, undertook to elect such a list, consisting of the incumbent Manuel Micheltorena as first choice, Juan Bautista Alvarado as second, Rafael Telles third, Antonio Maria Osio fourth, and Manuel Jimeno Casarin fifth.<sup>1</sup> These were all northern or Monterey men; and Pico and the other southern members considered themselves injured and insulted. They charged that there was a corrupt combination on the part of the Monterey officials to run the government in their own interest, without regard to the southern section, and in a spirit of faction, provocative of agitation and disorder.<sup>2</sup> The result was that, as soon as they appeared, they quarreled with the northern members; and, finding no more appropriate method of fighting them, they renewed the old controversy in reference to changing the capital of the department from Monterey to Los Angeles and insisted upon the old decree of the superior government of May 23, 1835, ordering such change, being immediately complied with.

The project of removing the capital to Los Angeles had always been the pet measure of Pio Pico. He seemed to have no idea of statesmanship beyond it. His mind could perceive certain advantages to his section to be accomplished by the change; but he could not see, or if he could see he was unwilling to recognize or respect, the disadvantages and evil consequences that would result to the department in general. He had already

<sup>1</sup> Cal. Archives, D. S. P. S. Jose, VI, 1; D. S. P. Ang. XII, 610.

<sup>2</sup> Cal. Archives, D. S. P. V, 508-514; S. G. S. P. XVII, 405-415.

once or twice before, as a member of the old deputation, bent his energies to the carrying out of this object and failed. But the project had taken possession of him and, though destined to another signal defeat, he never gave it up. It is hardly too much to say, that if the country had been plunged in revolution and drenched in gore, his voice would still have been heard for removal of the capital.

On August 15, 1844, the assembly was called to meet in extraordinary sessions for the purpose of considering what measures should be taken in view of the probabilities of a war with the United States, which then seemed imminent. The body met at the appointed time, but adjourned for five days. On August 20 it met again and appointed a special committee to devise ways and means for the raising and maintenance of troops. At the same meeting, Micheltorena called attention to a violent controversy among the Los Angeles people about the closing of an alley; but Francisco Figueroa insisted that the only business of the sessions was in reference to the threatened war, which was certainly of sufficient importance to occupy their entire attention. It was thereupon resolved that the sessions should proceed with this sole object in view, and that they should be continued every day if necessary until the business should be completed.<sup>1</sup>

Notwithstanding this resolution, Pio Pico, at the next session of the assembly on August 24, again brought forward the old subject of so much quarrel and bitter feeling. He called attention to the decree of 1835, a copy of which had been forwarded from Los Angeles, and demanded that it should at once be put in execution and the capital removed. Micheltorena, as president of the assembly, answered that under existing circumstances and especially in view of the excited state of feeling which had been evoked, it was entirely impracticable to make any change at that time. Narciso Botello thought that the governor, if required by his duties as comandante-general, might remain at Monterey and the assembly hold its sessions at Los Angeles. David Spence said that it would be highly imprudent to remove to Los Angeles and that, if there was to be any removal at all, it should be to some intermediate point

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<sup>1</sup> Cal. Archives, L. R. IV, 70-77.

to be determined upon. Pico replied that the assembly had no power to locate the capital, but only to obey the law which fixed it at Los Angeles.

As the discussion began to grow warm, Micheltorena interrupted it with the remark that the assembly had already resolved to take up no business except such as related to the threatened war and that therefore the discussion was out of order and must be postponed; but at the same time he would take the opportunity of saying, in addition to what he had said before, that the capital ought to be in the same place as the custom-house on account of the intimate connection of the government with that establishment. This last shot of the governor brought Figueroa to his feet. He could see no reason, after the other business should be finished, why the assembly should not consider any other subject it might see proper; and, if the subject of the capital was to be considered, there was no good reason why the next regular sessions should not be held in the place designated by the decree. Estevan Munras proposed as a compromise that the mission of Santa Inez should be chosen as the capital until further orders could be received from the supreme government. The question being thus brought forward and discussed in spite of the resolution to the contrary, a vote was taken on Pico's original motion and resulted in a tie, three votes being for and three against it. Micheltorena, as president of the assembly, threw his casting vote against it; and thus the project was again defeated.<sup>1</sup>

At the same session the special committee, previously appointed to devise a plan to raise and maintain troops for the threatened war, presented its report, which was unanimously adopted. It declared that the missions of Alta California afforded the only resource upon which reliance could be placed. It therefore proposed that the departmental government should be authorized, for the purpose of collecting a war fund, to sell, mortgage or rent all the mission properties from San Diego to Sonoma inclusive, with the exception of the mission of Santa Barbara which constituted the episcopal palace of the bishopric, that of Santa Inez which was to be devoted to the purposes of a college, and such others as might be reserved by the government

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<sup>1</sup> Cal. Archives, L. R. IV, 80-84.

with the object of cultivating grain for military purposes. The mode, form and terms of sale, mortgage or renting, the disposition of personal property, and the proper distributions among the Indians were to be left to the discretion of the government. Debts owing by the missions were to be paid and debts owing to them to be collected and applied the same as other mission property. Such missions as might be sold were thenceforth to assume the characters of pueblos and such as were mortgaged or rented or occupied for cultivation were to be regarded as departmental properties; but in all cases care was to be taken to provide properly for the support of the priests and the decorous maintenance of religion.<sup>1</sup>

Meanwhile Micheltorena had made some attempts at regulating the country. One of his first efforts was not promising—being the grant of a monopoly to Tiburcio Tapia and others to cut wood near Los Angeles.<sup>2</sup> He did better in providing for the appointment of inspectors and regulating the hide business in the various shipping points along the coast.<sup>3</sup> But the chief and almost only merit of his administration was the great encouragement he gave to schools and education. In March, 1844, he made a grant of lands and five hundred dollars yearly to Fathers Jose Joaquin Jimeno, Francisco Jesus Sanchez and Juan Moreno for the foundation and support of a college and seminary at Santa Inez;<sup>4</sup> and the next month he ordered a school for both sexes to be opened and maintained in every town in the department.<sup>5</sup> He thus established schools at San Diego, Los Angeles, Santa Barbara, Monterey, San Jose, San Francisco and Sonoma, fixing the teachers' salaries at four hundred and eighty dollars per year.<sup>6</sup> On May 1 he issued a reglamento or series of regulations, by which it was ordered that reading, writing, the four rules of arithmetic and the catechism should be taught in every school, and in addition thereto sewing and needlework to the girls. Every person having the care or custody of children from six to eleven years of age was required under penalties to send them to school, which was to be open

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<sup>1</sup> Cal. Archives, L. R. IV, 98, 99.

<sup>2</sup> Cal. Archives, D. S. P. Ang. XII, 600, 601.

<sup>3</sup> Cal. Archives, D. S. P. S. Jose, VI, 22; D. S. P. Ben. Misc. II, 1086.

<sup>4</sup> Cal. Archives, D. R. XIII, 134, 135.

<sup>5</sup> Cal. Archives, D. R. XIII, 138; D. S. P. Ang. XII, 625, 626.

<sup>6</sup> Cal. Archives, D. S. P. Ang. XII, 627-630.

daily except Sundays and holidays from eight to eleven in the mornings and from two to five in the afternoons. By the last clause of the reglamento, the "Most Holy Virgin of Guadalupe" was adopted as the patroness of schools and her image directed to be placed in an appropriate place in each.<sup>1</sup>

Though loath to meddle with or attempt to restrain the excesses of his soldiers, there were other matters in which he did not hesitate to interfere. On January 1, 1844, he issued an order reducing the salaries of various civil officers. While he did not touch his own or any military emoluments, he cut down those of a judge or fiscal of the superior tribunal of justice from four thousand to twelve hundred dollars, those of secretary of state from twenty-five hundred to fifteen hundred dollars, and so on with various others. The aggregate amount of salaries in 1843 was over one hundred and seventy-one thousand dollars, which he cut down to about one hundred and thirty-two thousand, thus making a reduction of some thirty-nine thousand.<sup>2</sup> He also attempted to reduce and regulate doctors' charges; but, like almost all attempts of the kind, his legislation on the subject, if not ridiculous, was useless. As a specimen, he prescribed that no physician or surgeon should exact more than a dollar for each visit from rich patients, half a dollar from those in moderate circumstances and nothing from the notoriously poor.<sup>3</sup> He was active in looking after smugglers and frauds upon the custom-house. In April Henry Cambuston and Pierre Richard were sentenced to hard labor at the presidio of Acapulco for clandestinely buying smuggled goods from the French whale-ship *Ganges*.<sup>4</sup> Not long afterwards he discovered that it had become a practice to import foreign goods on national vessels from Mazatlan and San Blas and thus avoid the payment of the Californian duties on such goods. To put a stop to such frauds, he issued a series of stringent commercial regulations providing for confiscations and other punishments.<sup>5</sup> He was also attentive to the collection of taxes; and, as an instance, when informed that the saw-mills near Branciforte were delinquent, he ordered them

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<sup>1</sup> Cal. Archives, D. S. P. Ang. XII, 631-633.

<sup>2</sup> Cal. Archives, D. S. P. Ang. X, 183.

<sup>3</sup> Cal. Archives, D. S. P. Ang. X, 199.

<sup>4</sup> Cal. Archives, D. S. P. V, 635-651.

<sup>5</sup> Cal. Archives, D. S. P. V, 525-528.

to be stopped from further manufacture until they paid up.<sup>1</sup> He even watched over the talk of priests, and was ready to interfere if they incautiously overstepped the bounds of what he regarded as their proper jurisdiction. Thus, when one of the missionaries, in the course of a sermon, asserted that the Most Holy Mary was God and that it was an accursed thing for Californian women to contract alliances with foreigners, Micheltorena sent word that the first statement was false doctrine and the second calculated to stir up rancor and animosity. He added that, as the government was charged with the preservation of religion in its purity as well as of public order in all its branches, he desired both statements to be corrected as soon as possible.<sup>2</sup>

In the meanwhile, on July 16, 1844, in view of the threatened war with the United States, Micheltorena had issued a "reglamento" or series of regulations for the organization of the Californian militia auxiliary to the regular troops or, as they were called, the "Defensores de la Patria y Departamento de Las Californias—Defenders of the Country and Department of the Californias." These regulations provided, among other things, that every male Californian from the age of fifteen to sixty years, with certain exceptions including ecclesiastics and officials, was subject to military duty as a militiaman; that the whole body of the militia should consist of regiments of cavalry; each regiment to consist of two squadrons; each squadron of two companies; each company of a captain, lieutenant, two ensigns, five sergeants, eight corporals, two trumpeters and fifty-five dragoons. Each regiment was to have a colonel, lieutenant-colonel, two adjutants, a standard-bearer, a trumpeter major and eight pioneers. These troops, being citizens, were not to be required to wear uniforms; but they were to bear carbines and lances, furnished by the government, and swords if they had them; and all were to be subject in time of war to the same laws as regular troops. Alvarado, who had in 1842 been commissioned a colonel by Santa Anna<sup>3</sup> and afterwards in March, 1843, requested by Micheltorena to take service at a monthly salary of two hundred and twenty-six dollars,<sup>4</sup> was appointed

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<sup>1</sup> Cal. Archives, D. R. XIII, 155, 156.

<sup>2</sup> Cal. Archives, D. S. P. V, 531.

<sup>3</sup> Cal. Archives, D. S. P. Mon. VI, 435.

<sup>4</sup> Cal. Archives, D. R. XIII, 85, 86.

colonel of the first regiment and Vallejo colonel of the second. There were but two full regiments provided for; but there was to be an extra squadron at Los Angeles of which Pio Pico was appointed comandante, and an extra squadron apparently at New Helvetia with Jose Antonio Carrillo as comandante and Sutter as captain.<sup>1</sup>

But, notwithstanding the imminence of war with the United States and the preparations thus made and in process of making to meet it, the excesses of Micheltorena's regular soldiers, together with his unwillingness to apply the proper remedies and other mistakes of policy calculated to estrange large portions of the community, had so exasperated the people against his administration that they would stand it no longer. He had already given notice that he had his hands full and could pay no attention to Lower California;<sup>2</sup> and he soon found that he had more than he could do to keep his place even in Alta California. It was not long before he began not only to hear but to understand the mutterings of the storm that was gathering against him. Groups of dissatisfied men commenced to collect and discuss the situation. The people well knew their power; they had summarily exercised it on several previous occasions; and, as soon as they found that they were all desirous of the same object and united, they made no further delay; but acted and acted effectively.

It was Alvarado who pre-eminently came to the front again in the struggle which followed. After retiring from the government at the end of 1842, he had withdrawn to his rancho, known as the Alisal, about twenty miles east of Monterey. He did not, however, remain long secluded. Besides his military position as colonel, he became in 1844 administrator of the custom-house at Monterey.<sup>3</sup> But what time he could spare from his office he spent at the Alisal; and it was there that the other leaders of the people sought him out, called upon him for assistance and perfected their plans for relief. Alvarado, as upon the occasion of his taking up arms against Gutierrez, desired the co-operation of his uncle Vallejo and, as on that occasion, made a journey to Sonoma for the express purpose of inducing Val-

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<sup>1</sup> Cal. Archives, D. S. P. S. Jose, II, 645, 646; VI, 7, 8.

<sup>2</sup> Cal. Archives, D. S. P. VIII, 160-162.

<sup>3</sup> Cal. Archives, D. S. P. Ben. Off. Cor. III, 317.



lejo to join him. He had reason to believe that Vallejo had learned something in the past and would now be as ready to participate in the winning of a victory as he had before been to participate in the fruits of one won without him. But the cautious comandante of Sonoma again excused himself, and again Alvarado found his errand bootless. He then proceeded to San Jose and opened his plans to Jose Castro, his old companion in arms, who immediately and with avidity entered into them; and the revolution, which proved the last of its kind in California, was started.<sup>1</sup>

The first overt movement was the collection of a small body of revolutionary troops and a pronunciamiento against the administration issued at the Rancho de Alisal on November 15, 1844.<sup>1</sup> As soon as Micheltorena heard of it and was informed that there were only thirty persons there, he dispatched his lieutenant, Rafael Telles, in pursuit of them. He made the mistake, however, of distinctly specifying the point to which Telles was to pursue; and Telles, having complied with his orders, returned without accomplishing anything. Had the proper kind of harmony and confidence existed between the two men, the lieutenant might have pushed on and dealt a severe, if not a fatal, blow; but, under the circumstances, he deemed it proper to take no responsibility. Upon his return, Micheltorena upbraided him for losing so good an opportunity; but Telles replied that in military affairs it was the only duty of the inferior officer to obey strictly the orders of his superior, at the same time broadly intimating that he had had experience enough of acting on his own judgment.

The revolutionists, under the command of Alvarado and Castro, marched northward towards San Jose, swelling in numbers as they proceeded. It was necessary for Micheltorena to act with promptitude. He accordingly gathered all his available forces and, leaving Telles at Monterey, started off in the same direction. With such troops as he had and their want of discipline, his progress was slow. The rainy season had fully set in; the weather was raw and unpleasant; and it was inconvenient to be exposed. Upon arriving at the Rancho de Laguna, some five leagues south of San Jose, he therefore stopped and

<sup>1</sup> Osio MS.

<sup>2</sup> Cal. Archives, D. S. P. Ang. VIII, 244; L. R. IV, 552.

quartered himself. As soon as he did so, Alvarado, who had kept a short distance ahead, turned around with his little force and camped in a grove of trees less than a mile from his enemy. For a few days the adversaries manœuvred—Micheltorena being chiefly concerned about his defenses, and Alvarado seeking a favorable opportunity for an attack.

A storm, during which the revolutionists suffered much from rain and cold, having passed, Alvarado marshaled his forces for an assault. At this critical moment, however, some one suggested that it would be much better for the adversaries, instead of uselessly shedding each other's blood, to join their strength for the preservation of their nationality against the Americans. It could not have been a new idea; but, as the time for fighting arrived, it seemed to have acquired new force. A compromise was proposed upon terms to be recognized as honorable to both parties. Alvarado objected; but Castro was indebted to Micheltorena for kindnesses done him during his troubles on account of Graham in Mexico; and he now returned the favor by prevailing upon Alvarado to consent. Articles of agreement were accordingly drawn up for the cessation of hostilities and the re-establishment of peace in the department. They were dated and signed on December 1, 1844, at the camp of Santa Teresa, as it was called; and for the time being the revolution was over.<sup>1</sup>

By the terms of this treaty, Micheltorena pledged himself on his word of honor, within three months from that date to discharge and send back to Mexico all the vicious soldiers forming his battalion of infantry and their equally vicious officers. On the other hand, Alvarado and Castro agreed, at the same time that Micheltorena with his troops set out on their return to Monterey, to march the "Division of the North," as they called their force, to winter quarters at the mission of San Jose and remain there. No one on either side was to be disturbed on account of the part he had taken in the late disturbances. The division of the north at its camp at San Jose mission was to be supplied and maintained by the government; and, upon compliance by Micheltorena with the first provision of the treaty, it was to be placed under his command and at his disposition. The revolutionists further undertook that the agreement should

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<sup>1</sup> Osio MS.

be satisfactory to the people in general, and that they would rally to the support of the administration and act in all respects according to the spirit and intention of the new arrangement.<sup>1</sup>

The preliminary portions of the treaty were duly carried out. The governor and his forces marched back to Monterey, and the revolutionists to San Jose mission. But when Micheltorena met Telles, the latter, who had been chafing under the treatment he had received, suddenly assumed the position of an accuser. He charged Micheltorena with a violation of his duty as a governor and a general; pronounced his consent to such a capitulation, without losing a single man or firing a single cartridge, a disgrace, and denounced the whole transaction in unmeasured terms. The governor on his part was not wanting in the ability to talk back and defend himself; but he had to blush under the scathing denunciations of his lieutenant. Naturally a weak man, or he would never have permitted the rebuke he was now receiving, he began to vacillate and equivocate and finally denied that he had made the treaty except as a conditional one, or that he had ever had any intention of being bound by it unless he saw proper. But however he might decide as to fulfilling the treaty and sending his troops to Mexico, it was now perfectly plain to him, he said, that Telles had better go at once; and he would dispatch him without delay. It happened that there was a vessel ready to sail for Mazatlan; and a few days afterwards, at the request and to the great satisfaction of the general, the lieutenant took passage and left the country. And thus was lost to Micheltorena's forces the only man, perhaps, who was fit to govern them and who might, if left to follow his own judgment, have saved his general from much unpleasantness and not a little disgrace.

Notwithstanding the departure of Telles, the sting of his bitter denunciation of the capitulation remained. There was much truth in what he had said; and not only the troops, who if it were complied with were to be shipped off like a band of cattle, but Micheltorena himself felt it poignantly. He resolved, therefore, that he would not perform his part of it; conjured up reasons, apparently satisfactory to his own conscience, why it was of no binding force upon him, and immediately began casting

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<sup>1</sup> Cal. Archives, D. S. P. V, 601, 602.

about for some strategical plan, by which he might break through it. At the same time, he ardently desired to get the advantage of Alvarado who had manipulated the revolution against him; carried it to so successful an issue, and placed him in so uncomfortable a position. The plan he finally hit upon was to write secretly to Sutter at New Helvetia and induce him to gather all the foreigners he could collect, and with them, on a certain fixed day, to march upon, surprise and seize Alvarado and Castro in their camp. To induce the foreigners to take part in the scheme, he authorized Sutter to promise them in his name and on his word of honor that their services should be recompensed with grants of land. There was probably no intention on his part to comply with this promise, any more than with his promise under like word of honor at the treaty of Santa Teresa; but the adventurers on the Sacramento knew nothing of military strategy as he understood it, and willingly entered the service on the terms offered them.

The relations between Micheltorena and Sutter were intimate. Micheltorena recognized Sutter's great activity and influence, and Sutter courted the man, who occupied the first place in the country. In April, 1844, Sutter had sent the governor a present and a letter in French, couched in the most flattering and insinuating language of politeness. They were to be delivered, he said, by Monsieur John Bidwell, a young man in his employ, whom he recommended as a proper person to make a topographical map of the territory from the bay of San Francisco and the San Joaquin river to the United States frontier. Such a map, he continued, would be of great utility in reference to the granting of lands, which ought to be given in smaller quantities than was usual; and upon that subject, he added, he would furnish much information when he should have the honor of a visit from the governor, which he expected. In the meanwhile, he would be happy to render any service in his power and only awaited the order of his excellency.<sup>1</sup> In July he wrote another courtly letter in French, announcing that he had organized a military company and was ready to march at any moment and on any service under the governor's orders. He described his officers as old soldiers and his men as expert riflemen, and added

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<sup>1</sup> Cal. Archives, D. S. P. XVII, 392-394.

that he was training a body of artillerymen. He said there were a large number of other persons at New Helvetia, who though not citizens would be willing to accept service, and some forty Indian hunters, who could shoot as well as the foreigners. If his excellency would send him muskets, he would be able to form "*une jolie compagnie de grenadiers Indiens.*" He knew that many people were prejudiced against the Indians; but he assured the governor that, when they were treated as they ought to be treated, they were not bad but on the contrary very good and very much attached, as he himself had had experience.<sup>1</sup> In August he wrote again, this time in Spanish, acknowledging the receipt of Micheltorena's regulations for the militia and his own appointment as captain. He referred to the arms and munitions which the governor had promised him; and, as his own vessel was detained for repairs at Fort Ross, he hoped they would be forwarded by some other vessel to San Francisco, whence he would see to their conveyance to New Helvetia. He also referred again to his Indian grenadiers, and to his desire to be of service in any manner that was possible.<sup>2</sup> At the same time, he announced the arrival of twenty-six Americans from the Columbia river, who came with the object of settling in the country and becoming naturalized, so that here was still another element of strength, if properly utilized.<sup>3</sup>

When, therefore, Micheltorena wrote to Sutter to march upon Alvarado and Castro, surprise and seize them, he knew that he was writing to one who was anxious to serve him. But to win at such a game as he was thus attempting, even with so active and willing an assistant as Sutter, would have required a much more skillful player than Micheltorena and particularly against such an adversary as Alvarado. Castro might have been deceived and for a time was deceived; but Alvarado had no confidence in a man who as governor had exhibited so much weakness and as general had acted with so little spirit. He was therefore on the alert.

Having thus chosen his plan of proceeding and ascertained by secret communications that Sutter was fully committed to it and had even, according to some accounts, prepared the very mana-

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<sup>1</sup> Cal. Archives, D. S. P. XVII, 400-403.

<sup>2</sup> Cal. Archives, D. S. P. XVII, 397-399.

<sup>3</sup> Cal. Archives, D. S. P. XVII, 404-406.

cles with which he intended to handcuff Alvarado and Castro, Micheltorena deemed it proper to do something for the purpose of allaying suspicion and throwing his enemies off their guard. On December 16, accordingly, he issued a proclamation to the people, substantially announcing that the troubles which had lately arisen had been composed and that there was no further any cause of alarm. It was true that he had, regardless of his own personal safety, thrown himself in the face of those who led the recent movement. But he had done so, not as their tyrant but as the most solicitous of their friends. He had been animated by the best of sentiments. He had occupied the place of a pilot, whose only aspiration was to guide the ship of state from threatened wreck. He had been actuated by a desire to avoid the disasters which accompany disturbances of public order and had preferred that the voice of reason and humanity should be heard rather than the horrid roar of cannon. As for the complaints that had been made, he had heard of them. He did not pretend to deny the justice of many of them, and he had not hesitated to undertake to do all that the laws would permit him to do and that would comport with the honor and dignity of the government which he represented. In conclusion, he promised that the same frankness, which he had thus manifested, would always be the polar star of his conduct and that the docile character which, as he saw with pleasure, adorned the Californians, would induce alarmed citizens to return to the bosoms of their families and leave the departmental government to occupy itself with securing their felicity and well being.<sup>1</sup>

Two days afterwards he wrote to Castro, whom he addressed with honied expressions of endearment, forwarding a copy of his proclamation and counseling him to co-operate in the complete re-establishment of peace and in urging the people to return quietly to their domestic hearths. He added that he had dispatched Telles to Mexico with a request that he might be allowed to retire with his soldiers, as he was satisfied that it would be impossible to defend the country against a foreign attack with less than two or three thousand men, instead of the paltry three hundred which he had. And with the object, apparently, of hoodwinking his "querido ahijado—beloved god-

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<sup>1</sup> Cal. Archives, D. S. P. V, 610.

son" as he styled him, respecting the movements at New Helvetia, he said that Sutter had sent word of a new overland immigration of foreigners, consisting of eleven wagons and a hundred and forty men and sixty wagons more on the way, and closed with a recommendation that he should send all the soldiers that could be collected to the frontier.<sup>1</sup>

It would hardly seem credible that Micheltorena could write thus and yet meditate treachery. It was not strange, therefore, that Castro was slow to believe it. Even after he had learned, through the vigilance maintained by Alvarado, that Sutter was preparing for an attack upon them, he still wrote to Micheltorena and expressed confidence in his repeated assurances of good faith. He had heard, he said, of what Sutter was doing and of his pretenses of acting in defense of the government; but he was satisfied that Micheltorena himself could have no part in or connection with such an atrocious project and that Sutter's doings were entirely and exclusively the emanations of his own black-hearted designs.<sup>2</sup> But whatever doubts he may have had, as to Micheltorena's complicity with Sutter, were completely dissipated by the arrest of an emissary and the interception of a secret and confidential letter from Micheltorena himself to Sutter, in which, among other things, he said, "Whatever you do I approve. Whatever you promise, I will fulfill. Whatever it costs, I will pay."<sup>3</sup>

As there could no longer be any possible doubt about the combination between Micheltorena and Sutter, Alvarado and Castro, being in no condition with the small body at the mission of San Jose to meet their united forces, hurriedly broke up camp and marched south to Los Angeles. They camped on the plaza there before day-break on January 21, 1845.<sup>4</sup> Very soon after their arrival, and in view of the excitement caused by it, Pio Pico, who was then "primer vocal" of the departmental assembly, was induced to call an extraordinary meeting of that body. He had in the previous November refused to issue such a call on the ground that he had no authority;<sup>5</sup> but he now yielded

<sup>1</sup> Cal. Archives, D. S. P. V, 604, 605.

<sup>2</sup> "Negros intentos."—Cal. Archives, D. S. P. V, 733, 741-745.

<sup>3</sup> "Lo que V. haga, apruebo. Lo que promete, cumpliré. Lo que gaste, pagaré."—Cal. Archives, D. S. P. V, 602-608; Osio MS.

<sup>4</sup> Cal. Archives, D. S. P. Ang. XI, 687, 688.

<sup>5</sup> Cal. Archives, D. S. P. Ang. VIII, 250, 251.

in compliance with the popular demand. He did so the more readily, perhaps, as the new session was to be held at Los Angeles and there was now no one to object to its convening there. It met on January 28. Pico, Figueroa, Botello and Carlos Antonio Carrillo were present. Pico, as presiding officer, made a short opening address, stating that he had convoked them on account of the existence of civil war, the march of armed forces, the general alarm, and for the purpose of adopting such measures as might be necessary to protect the people and if possible avert impending danger.<sup>1</sup>

At Pico's suggestion, Alvarado and Castro were invited to set forth the causes of the public disturbances. They did so in a very full report on January 29, recommending at its conclusion that Micheltorena should be declared a traitor to his country; that he should be prosecuted as such before the supreme government at Mexico, and that in the meanwhile he should be deposed and the assembly assume and regulate the departmental government.<sup>2</sup> This report having been received and considered for several days, it was finally resolved to send a committee of citizens to wait upon Micheltorena and endeavor to make some satisfactory arrangement with him. Jose Antonio de la Guerra y Noriega, Vicente Sanchez, Abel Stearns, Antonio Coronel and Antonio Maria Lugo were appointed on this service and immediately proceeded northward in search of the governor; and at the same time a request was sent to him to suspend his march at least until it should be found that no accommodation could be effected.<sup>3</sup>

During all this time, Alvarado and Castro were collecting reinforcements, among whom were many foreigners; and they soon had a sufficiently large force to justify them in meeting their enemies, whenever they should choose to make their appearance. In the meanwhile, Sutter marched from the Sacramento to the Salinas river, where he met and united with Micheltorena; and the two together with their combined forces then started southward on what they were pleased to consider and term a chase of

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<sup>1</sup> Cal. Archives, L. R. IV, 102, 103, 333-336, 340, 341; D. R. XIV, 2-5; D. S. P. VI, 1, 2; D. S. P. S. Jose, V, 408-411.

<sup>2</sup> Cal. Archives, L. R. IV, 105, 551-559.

<sup>3</sup> Cal. Archives, L. R. IV, 106-109; D. R. XIV, 7-12; D. S. P. VI, 15-17; IX, 628, 629.



rebels. A letter in German, or rather in a mixture of German, French and English, from Sutter to C. W. Flügge of Los Angeles, dated January 12, 1845, anticipated triumph as sure. Sutter said he had a hundred riflemen and a large number of Indians, with arms for a hundred of them; also the Russian cannon, referring to those that had been at Fort Ross, and eight cannoniers. Among his men he mentioned the Americans, Captain Gantt as commander of the sharpshooters, Townsend and Sinclair as aids-de-camp, O'Farrell quartermaster, Hensley commissary, Bidwell secretary; and he added that he had still other officers who contributed to the splendor of his division.<sup>1</sup>

On February 7, Micheltorena and Sutter were at Santa Barbara; and they were there interviewed by the committee of citizens appointed by the assembly at Los Angeles. Though they treated De la Guerra y Noriega, on account of his age and high position, with some respect, they obliged him to dance attendance and follow after them for some distance without an answer; and finally, after declaring the assembly held at Los Angeles an illegal body and its acts void, they refused to entertain any proposition for a compromise except the unconditional surrender of the revolutionists.<sup>2</sup> This action and treatment of the committee being reported to the assembly, that body on February 14, upon motion of Pico, adopted a series of resolutions, disavowing Micheltorena's authority as governor, declaring his office vacant, providing for the formulation of a prosecution against him, and announcing that the assembly would continue its sessions at Los Angeles and assume control of the government. On the next day, accordingly, a decree to that effect was passed and issued, deposing Micheltorena and declaring Pio Pico, by virtue of his office of first member of the assembly, temporary governor of the department in conformity with the organic bases of the nation.<sup>3</sup> On the other hand, Micheltorena and Sutter, after dismissing the Los Angeles committee as hardly worth their attention, and with a superabundance of confidence in their own strength, resumed their march southeastward towards San Fernando, near which Alvarado and

<sup>1</sup> "Und noch mehrere Officiere welche den Bunt meiner Division gilden."—Cal. Archives, D. S. P. V, 752, 753.

<sup>2</sup> Cal. Archives, D. S. P. VI, 19-23; L. R. IV, 111, 112.

<sup>3</sup> Cal. Archives, L. R. IV, 114; D. S. P. VI, 33-36; IX, 609.

Castro were marshaling their forces and getting ready for a conflict.<sup>1</sup>

It is related of Castro that, being out one day about this time with a body of troops making a reconnoissance of the approaching adversaries, he met a party of thirty foreigners, presumably Americans, who seeing his superiority intrenched themselves on a hill. Castro wished to speak with them and accordingly dismounting advanced alone and on foot. When he came within range, they consulted as to whether or not they should fire a few ounces of lead into him; but, observing that he manifested no fear and was armed only with his sword, they concluded to hear what he had to say. He saluted and said that he did not wish to make any attack upon them, but desired to explain that the controversy was entirely between persons of Mexican blood, who ought to be allowed fair play without the interference of the foreign population; and he deemed it proper that they should know the facts before they took part in the impending fight. Upon hearing this and satisfying themselves that there was truth in what he said, the foreigners held a consultation; made up their minds to leave the persons interested to settle their dispute in their own way, and resolved to retire. They informed Castro, however, that their expenses had not yet been paid, whereupon he furnished them with money; and they withdrew from the campaign.<sup>2</sup>

The adversary forces met on the plains of Cahuenga near San Fernando. Those of Micheltorena and Sutter consisted of about four hundred men; those of Alvarado and Castro of about three hundred. Each had a few cannon. Upon approaching within range, the artillery on both sides opened; but the only damage done was the killing of the horse of one of Alvarado's dragoons, leaving the dragoon himself entirely unscathed. The timidity caused by the first smell of hostile powder having passed off, Alvarado ordered his skirmishers into action and with a shout they rushed up a ravine so as to place themselves in position for firing without much exposure. At the same time his main line of cavalry made a forward movement; and simultaneously he ran his cannon up to more advantageous ground. This dash,

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<sup>1</sup> Cal. Archives, D. S. P. VI, 43-45.

<sup>2</sup> Osio MS.

and it consisted only in dash, decided the day. It was entirely too much for Micheltorena and Sutter. The latter immediately pulled out a white handkerchief and began waving it towards Alvarado. Micheltorena at the same time, seeing Alvarado's skirmishers advancing and fearing that they would make him their first mark in payment for his bad faith, turned in the other direction and addressed himself in much the same manner towards Castro.

There was a considerable amount of chivalric generosity in Castro. He could not smite a fallen foe, nor could he turn from a suing one. Again, as at Santa Teresa, he interfered and finally, though with much greater difficulty than on the former occasion, prevailed upon Alvarado to consent to an accommodation. The skirmishers were called back; the linstocks extinguished; and the battle stopped before it had fairly begun. Alvarado appears to have been disgusted and allowed Castro to arrange the terms of the capitulation. They were soon formulated in the shape of eight written articles, which were duly approved and signed by Micheltorena and Castro at San Fernando on February 22, 1845. Micheltorena and his Mexican troops were to forthwith proceed to San Pedro; there embark for Monterey in a vessel to be provided by Castro; at Monterey take on board Micheltorena's family and the remainder of his soldiers; and thence embark for Mexico. The arms and munitions of war at Monterey were to be delivered over to the revolutionists. The political command of the department was to be recognized as properly vested in Pio Pico as "primer vocal" of the assembly and temporary governor, and the military command in Castro as "comandante-general." A ninth article was afterwards added, according to which Micheltorena and his forces were to march to San Pedro with all the honors of war, trumpets playing, drums beating, colors flying; and, as they departed from San Fernando, they were to be saluted by their adversaries.<sup>1</sup>

In accordance with the treaty, Micheltorena and his forces marched to San Pedro. On the way and in the neighborhood of their adversaries, they restrained their excesses; but at San Pedro a party of them made an attack upon the house of one

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<sup>1</sup> Cal. Archives, D. S. P. VI, 51-55; D. S. P. Ang. XI, 699-701.

James Johnson, compelled him to furnish them with aguardiente and then riddled the place with bullets. Thus to the last they maintained their bad reputation.<sup>1</sup> Meanwhile, a contract was entered into between Pio Pico as governor and Captain John Paty of the American bark *Don Quixote* for the transportation of Micheltorena and his troops.<sup>2</sup> They were carried to Monterey, where, without allowing any of the soldiers to land, the remainder with Micheltorena's family were embarked; and towards the end of March the vessel finally sailed with them all for San Blas. It was rumored, as they were about going, that there was a conspiracy at Los Angeles, headed by Simplicio Valdez, to restore the deposed chief; but, if the report was true, nothing came of it.<sup>3</sup> Captain Paty performed his contract; and California was, so far at least, relieved.

Sutter, on the other hand, was taken to Los Angeles. He found himself in a position which was anything but pleasant. He had acquired no honor, and he wanted to go home. On February 26, feeling that some explanation would be required from him, he sat down and wrote a long letter to Pio Pico, explaining his connection with Micheltorena and justifying his conduct on the ground that he had been acting entirely under the orders of his superior. He had known nothing, nor inquired, as to the true state of affairs, regarding implicit obedience to the government as his only duty. It was only within a few days that he had come to recognize his mistake and repent his credulity. As to his fortification and armed force at New Helvetia, he knew that various exceptions had been taken; but he begged the circumstances of his remoteness on the frontier and the neighborhood of hostile tribes and organized bands of horse-thieves to be taken into consideration, and the consequent necessity of maintaining a warlike attitude for the preservation of peace and the protection of the country. As however his designs might be suspected, he proposed that the government should detail a body of troops under the command of an officer, in whom it had confidence, to take possession and hold it. As to the American immigrants, though he was unable to prevent their coming, he had always given the government notice of them. In conclusion, he begged

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<sup>1</sup> Cal. Archives, D. S. P. VI, 381, 382.

<sup>2</sup> Cal. Archives, D. S. P. VI, 60-65.

<sup>3</sup> Cal. Archives, D. S. P. VI, 92, 93.

permission to return to his establishment on the Sacramento, and protested that his affairs there were suffering great prejudice on account of his absence, delayed as it had been so much longer than he had expected when he left home.<sup>1</sup>

The new government, having secured its main objects but being still more or less unsteady, could not afford to scrutinize too closely the conduct of any one. It was very certain that, so far as Micheltorena was concerned, no further trouble from Sutter was to be feared. His late experience had entirely cured him of waging war of the kind he had just been carrying on, and perhaps of campaigning altogether against any one but Indians. He was therefore allowed to depart. He returned to Sacramento—a sadder if not a wiser man than when he started out with the handcuffs he had prepared for Alvarado and Castro a few months before.

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<sup>1</sup> Cal. Archives, D. S. P. V, 754-757.

## CHAPTER III.

### PIO PICO (AGAIN).

**P**IO PICO was the last of the Mexican governors. He had previously, about the beginning of 1832, become governor on the expulsion of Victoria and had held office as such until the arrival of Figueroa. In this instance, he became governor on the expulsion of Micheltorena and held office until the arrival of Sloat and the American conquest. On the former occasion he had been merely "gobernador interino" of Alta California; on the latter, he commenced with being "gobernador interino" but afterwards became "gobernador propietario" or constitutional governor of the department, including both the Californias.

Little or no real authority had at any time, since the erection of the department in 1836, been exercised by the governor of the department over Lower California. There had been no improvement or progress but rather retrogression in that part of the country. Most of the Indians had disappeared, and nearly all the missions had been suppressed or were deserted. The white population was very sparse and chiefly confined to the extreme southern part of the peninsula, for which reason the capital had in 1829 been transferred from Loreto to La Paz.<sup>1</sup> Alvarado in 1840, after becoming constitutional governor, had desired to visit the principal populated points and arrange the government; but his request to that effect, as has been seen, was refused by the supreme government at Mexico.<sup>2</sup> Micheltorena had more than enough to do with attempting to manage Alta California; and in August, 1844, as has also been seen, proposed that Lower California should be joined to Sinaloa.<sup>3</sup> When Pico

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<sup>1</sup> Lassepas, 46.

<sup>2</sup> Cal. Archives, S. G. S. P. XVI, 50.

<sup>3</sup> Cal. Archives, D. S. P. VIII, 160-162.

became governor, one of the first acts of his administration was to send a commission, consisting of Jose Maria Covarrubias and Santiago Arguello, to meet commissioners appointed by the acting authorities and principal citizens of Lower California and make some satisfactory arrangement as to the affairs of that portion of the department. They met at San Vicente on May 10, 1845. Though there had previously been much talk of separation and secession,<sup>1</sup> it was now unanimously resolved, amidst cheers, that Lower California would adhere to Alta California as an integral portion of the department; recognize the departmental government, and acknowledge Pio Pico as governor.<sup>2</sup>

The very first act of Pico, however, upon taking office as governor for the second time, as it had been upon the first, was to make an inaugural address. He said that extraordinary events had placed him in an exalted position, to which he had not aspired. But he would endeavor to bear the weight, which destiny had cast upon his shoulders, with his best ability and with a sole and single view to the true felicity of his fellow citizens. The conjuncture was a difficult one; the future was big with events; but he doubted not that the outcome would be favorable to the defenders of the liberties of their country. The Most Excellent Departmental Assembly, recognizing the danger, had found itself under the hard necessity of disavowing the authority exercised by General Micheltorena; and it was this circumstance and the provisions of the law applicable to such a case that had thrown upon him the accidental obligation of filling the office of governor. He would have desired that the office had fallen to one of greater capacity than himself; but, with the co-operation of his fellow citizens, he would do all it was possible for him to do to preserve the government and further the public good.

The conjuncture, he repeated, was a difficult one. The public security was menaced by armed adventurers, by demoralized soldiers and by unhappy Indians, seduced from their proper obedience. Such was the force with which Micheltorena manoeuvred. Sutter, with artifice, had managed to bring on the civil war which he had long been contemplating and preparing. In his unmeasured ambition, he had conceived the sorry idea of

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<sup>1</sup> Cal. Archives, L. R. IV, 132-134, 365, 366.

<sup>2</sup> Cal. Archives, D. S. P. VIII, 165, 166.

a triumph and by such triumph of defiling the ardent patriotism of the Californians and of the other inhabitants who had legally established themselves in the country. It was a chimerical thought; it was criminal conduct on the part of Micheltorena, as a Mexican general, to place power and authority in the hands of such a declared usurper; and it was fair to infer from that fact, strengthened as the inference also was by repeated complaints to the same effect, that the general was implicated in the apparent treasonable designs. What other conclusion was to be drawn from the permitted immigration of large numbers of Americans, and many more on the way—all in violation of the laws and all in undoubted concert with the general plan?

It was plain, he continued, that Micheltorena had rendered himself liable to prosecution for conduct which he would find it difficult to justify; for the unbridled excesses which he had permitted to his soldiers; for the misapplication of large sums of public money; for his legislation against national commerce; for his neglect of the public interests in omitting to convoke the assembly and through it regulate the interior affairs of the department; for his acquiescence in the introduction of armed foreigners, and in fine for his failure to perform his official duties in general and his abuse of the confidence reposed in him by the superior authorities of the nation. Such was a hasty and very imperfect statement of the evils afflicting the country, and for which Micheltorena was responsible. There was necessity for a speedy remedy. As for himself, he trusted that the assembly would aid him in protecting and preserving the rights of the nation and the rights of individuals and in securing and defending the threatened interests of property; and that, for the accomplishment of these objects, they would unite with him and give proofs of their affection for, and loyalty to, the country in which they lived and the great nation to which they belonged.<sup>1</sup>

On February 23, the day after the capitulation of Micheltorena, Pico issued a proclamation, congratulating the people upon their triumph over the evils that had threatened them and counseling them to sink into oblivion resentments of every kind.<sup>2</sup> But it was very evident he did not mean that resentment against Micheltorena should be forgotten. On the contrary, on

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<sup>1</sup> Cal. Archives, D. S. P. Ang. X, 242-244.

<sup>2</sup> Cal. Archives, D. S. P. Ang. X, 232-234.



the same day, in connection with Castro, he sent off a communication to the president of the republic, asking him to suspend his judgment in reference to their proceedings against the deposed governor;<sup>1</sup> and on March 4, upon his motion, the departmental assembly set about preparing and formulating charges against him and appointed a committee to present them to the supreme government at the national capital.<sup>2</sup>

The next step was to collect proofs to sustain the charges; and for this purpose various individuals were called upon to testify.<sup>3</sup> The evidence was not in every case adverse. Thomas O. Larkin, the United States consul at Monterey, for instance, testified that he had lost some by robbery in the course of Micheltorena's administration, but not more than at other times. He knew that a servant of his had been wounded by one of Micheltorena's soldiers; but the soldier had been put in irons and shipped to Mexico. He also knew that some of the officers, hearing a rumor that Micheltorena was to be superseded, had met and declared they would obey no other general; but, as soon as the temporary excitement had passed off, there was no further sign of disturbance. As to the administration of Micheltorena in general, Larkin said that California had derived great advantage from his establishment of schools for both sexes, his regulations of whale-ships, and his efforts to put a stop to horse-stealing in the Tulare country, and that by virtue of his policy rancheros were better paid for their produce and merchants were benefited by a greater circulation of money.<sup>4</sup>

James Stokes gave similar testimony and added something in reference to Micheltorena's attitude towards the Americans. One of the main and most specific charges preferred was by Vallejo and to the effect that Micheltorena was the protector of the foreigners and that his shielding of them was scandalous.<sup>5</sup> Stokes said that it was not so; that on the contrary, when the country was menaced by the Americans, Micheltorena had taken every measure he could; had built fortifications; disciplined and instructed his troops, and organized various civil squadrons

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<sup>1</sup> Cal. Archives, D. S. P. VI, 46, 47.

<sup>2</sup> Cal. Archives, L. R. IV, 120-123.

<sup>3</sup> Cal. Archives, S. P. XIX, 2-4.

<sup>4</sup> Cal. Archives, L. R. IV, 611-614.

<sup>5</sup> Cal. Archives, L. R. IV, 562, 563.

for defense; and that the supreme government had only not sufficiently supported him.<sup>1</sup> A few others testified; but, as to the officers who had served under the deposed governor, most of them declined to give any testimony whatever on the ground that it was unseemly for them to do so and that it would be in violation of their duty and the law.<sup>2</sup>

When Micheltorena reached Mexico, and in fact before he left California, great changes had taken place at and about the national capital. Santa Anna was no longer at the head of affairs, but had gone through a strange and eventful history of alternations which left him substantially a fugitive and exile. After the adoption of the Plan of Tacubaya in 1843, the country for a while remained quiet. In January, 1844, when the Mexican congress met, Santa Anna, as president, introduced a proposition for the reconquest of Texas. Congress entertained the proposition and made an appropriation of four millions of dollars for the purpose of carrying it out. But Santa Anna was not satisfied and demanded ten millions more. This, his enemies pronounced rapacity. Murmurs began to be heard; his patriotism was called in question; it was charged that his real object was rather to administer a vast amount of money than to recover the national honor; and, notwithstanding his executive position and power, his demands were refused and rejected. He had sagacity enough to perceive, when it was too late, that he had made a capital mistake and that it would be difficult, if not impossible, to weather the opposition he had provoked. He asked and obtained permission to retire to his estates near Vera Cruz and left his friend, General Canalizo, as acting president in his place. Scarcely had he gone, however, when a wide-spread revolution against his authority broke out in Jalisco, Aguas Calientes, Zacatecas, Sinaloa and Sonora under the lead of General Paredes. Santa Anna himself flew to arms and thereby violated his constitutional oath not to take command of an army while president without the assent of congress. He soon found himself at war not only with the revolutionists but also with the legal authorities. He could not prevail. In January he fell and fled before his enemies. Being captured, he was thrown into prison under a charge of treason, and would have been tried

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<sup>1</sup> Cal. Archives, L. R. IV, 616-618.

<sup>2</sup> Cal. Archives, L. R. IV, 621.

and perhaps punished; but the course of the revolution led to general amnesty, under which he was released in May and permitted to depart with his family to Havana; and he remained away until, afterwards, new intrigues and new exigencies enabled him to reach the front again.

When Santa Anna fell, the president of the council of government became by law temporary president of the republic. This was General Jose Joaquin de Herrera. Notice of his incumbency reached California in April;<sup>1</sup> and about the same time came orders that all generals and chiefs adhering to Santa Anna should be apprehended, tried and punished as enemies to their country.<sup>2</sup> Thus, if Micheltorena was unlucky and unfortunate in what had taken place in California, he was none the less so in what had taken place in Mexico. Upon his arrival at San Blas, as if to mock him, he found a commission from the late president reappointing him constitutional governor of the Californias in accordance with the recommendations of the departmental assembly of February 10, 1844.<sup>3</sup> But there was one thing upon which he might congratulate himself, and that was that political rancor in Mexico, though still fierce, was no longer as savage and bloody as in the first days of the republic. Though he was known as a friend and adherent of Santa Anna and though a new president of opposite politics occupied the chair of state, he had little or nothing to fear. No interference with him on this ground was attempted. On the other hand, no prosecution at the national capital of any complaint against any governor of a remote province had ever amounted to anything; nor did the prosecution against him. It can hardly be said that there was any. The charges of the Californians were presented, and that was substantially all that was done. In May, 1845, in answer to Pico's communication, the new government wrote that it had sent Jose Maria Hjar, the same individual who had once before as director of colonization played a part in the history of California, as a commissioner with the necessary instructions for the recognition of the new administration, the regulation of the government and particularly the conduct of the approaching elections. As to Micheltorena, it had nothing to say except

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<sup>1</sup> Cal. Archives, D. S. P. VI, 289, 290.

<sup>2</sup> Cal. Archives, S. G. S. P. XVIII, 4, 213.

<sup>3</sup> Cal. Archives, D. S. P. VI, 288; D. S. P. Ben. Off. Cor. III, 653.

that his expulsion would render it necessary for the protection of the department to send another force, consisting of officers and soldiers having moral principles and under the command of a chief who might be able to preserve discipline and should be animated with the proper kind of sentiments. And thus, not by what it said of him, but by what it failed to say, or rather by what it said of whoever might be sent as his successor, was the judgment and sentence of the government upon Micheltorena's administration expressed.<sup>1</sup>

Meanwhile, after the charges against Micheltorena had been disposed of by the departmental assembly in California, that body went to work earnestly upon the subject of legislation, and passed many important laws. Pico himself, as governor, on March 22, abrogated the orders of Micheltorena of July 30, 1844, prohibiting the importation of foreign goods in national vessels from southern Mexican ports;<sup>2</sup> and the assembly followed by making San Diego a port of entry and ordering the establishment of a custom-house there, in addition to the one at Monterey and by regulating the coasting trade at other points along the coast. It then proceeded to other matters of public concern. It prohibited the introduction of all kinds of aguardiente and intoxicating wines, excepting however liqueurs, for five years; it fixed the boundary between Alta and Baja California at the mission of San Fernando south of San Diego; it provided for full accounts of the debts and credits of the missions; suspended the concession of lands contiguous to missions and the sale of goods useful and necessary to these establishments, and stopped the emancipation of neophyte Indians until further investigation as to what ought to be the policy of government towards them. In reference to education, it was resolved that the supreme government should be asked to send five teachers for conducting primary schools according to the Lancastrian method and two teachers of higher branches, including the English and French languages. It recommended the payment of teachers from the public treasury; the establishment of a school in every place where there was a sufficient number of

<sup>1</sup> Cal. Archives, S. G. S. P. XVIII, 45, 46; D. S. P. VIII, 5-7; D. S. P. Ang. XI, 787-789.

<sup>2</sup> Cal. Archives, D. S. P. VI, 274, 275; D. S. P. Ang. X, 230; D. S. P. S. Jose, V, 398, 399; D. S. P. Ben. LXXXVI, 461, 462.

pupils to justify it; judicial process to compel parents to send their children, and, until the new system could be put in operation, the imposition of a special tax for educational purposes wherever schools then existed.<sup>1</sup>

In 1839, a very interesting paper had been issued by Romero, minister of the interior at Mexico, on the subject of forestry. He said that the republic had for some years suffered from droughts; that harvests failed and cattle died; and that reason, tradition and experience pointed to the devastation of the forests and denudation of the hills and mountains as influential causes of such calamities. It was consequently important not only to restrict the cutting of trees but, for the preservation of the health and welfare of the people and the protection of agriculture and industries depending upon it, to encourage the restoration of wasted forests and the planting of trees along public roads and in such places as could not otherwise be made useful. He, therefore, in the name of the president, recommended the adoption of such legislation as might be necessary to effectuate the purposes indicated.<sup>2</sup> Nothing, however, was done in relation to the subject in California until now, in May, 1845, a series of regulations was adopted to prevent the indiscriminate destruction of wood and timber and restricting cutting to the owners of lands.<sup>3</sup> The start, thus initiated, might have led to further legislation and possibly to some attempt to put Romero's valuable suggestions into practical effect; but the attention of the assembly was diverted in other directions by the arrival of Hjar as commissioner from the supreme government, and the necessity of attending to other matters of supposed greater importance.

The commission of Hjar was expressly one of peace and concord. He was appointed upon it on April 11, 1845, immediately after the expulsion of Micheltorena became known to the supreme government. He was chosen, without doubt, on account of his ability to obtain the appointment; but, in the commission itself, the reason given was his intimate acquaintance with persons and localities in California and the interest, zeal, intelligence and patriotism which he possessed and would undoubtedly display in accomplishing the objects to be attained. These

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<sup>1</sup> Cal. Archives, L. R. IV, 123-131.

<sup>2</sup> Cal. Archives, S. G. S. P. XV, 103, 104.

<sup>3</sup> Cal. Archives, L. R. IV, 147-149.

objects were expressed in a series of instructions, which accompanied his appointment. Upon his arrival in California, he was to place himself in communication with the persons exercising authority, whoever they might be without regard to their character, as well as with the inhabitants in general; make known to them the actual situation of the republic; inform them of the re-establishment of the constitution and laws, and convince them that the congress and the government were unceasingly and uninterruptedly occupying themselves with the reformation of abuses and the organization upon a proper basis of all branches of the public business. He was to convey the recommendations of congress that the departmental assembly should initiate such measures as it might deem most conducive to the welfare of the department and especially in reference to the investiture with the gubernatorial office of such person as might enjoy and merit the most confidence. He was to call attention to the efforts of the government to establish regular communication by vessels between the Californias and Mexican ports, so that there might be such reciprocal intercourse as was indispensable to the progress of commerce and industry. He was to see that, in case troops were sent for the purpose of protecting the country from foreign insult or invasion, the chief, under whose orders they might be called upon to act, should not only be skilled in military knowledge but should also unite in his personal character such a disposition and spirit as would prevent disgust and complaint on the part either of the subordinate authorities or of the general public. He was finally to understand that his instructions were to be construed liberally and with a view to the accomplishment of the great ends of re-establishing constitutional order, maintaining Mexican union and removing all causes of discontent and disturbance and particularly such as might tend to the encouragement of the idea of secession, which had already been hinted or would likely be suggested by the enemies of the integrity of the Mexican territory.<sup>1</sup>

Hijar arrived about June 9. He landed at Santa Barbara, whence he addressed the governor,<sup>2</sup> and immediately proceeded to Los Angeles, where he opened communication with the prin-

<sup>1</sup> Cal. Archives, S. G. S. P. XVIII, 18-21; D. S. P. Ang. XI, 755-758; D. S. P. Ben. Off. Cor. III, 315-321.

<sup>2</sup> Cal. Archives, D. S. P. VI, 121, 122.

cipal citizens of that place as well as with those of other places. Among the latter was Alvarado, who, after his late military campaign, had resumed his office of administrator of the custom-house at Monterey. Hjar addressed him on June 12 as one of the most illustrious and influential citizens and, in the name of the supreme government, solicited his counsel and advice and an indication of such measures and improvements as he might deem most advantageous—at the same time remarking that this would be an easy task for one so thoroughly acquainted with the exigencies of the country and so well and favorably known for his patriotism and zeal for the public interests.<sup>1</sup> Alvarado replied on June 21, and, not to be outdone in courtesy and compliment, congratulated the country upon the felicitous choice which the supreme government had made of a commissioner. He then went on to say that he and Castro, the comandante-general, had already had the honor of expressing their views very fully on public affairs in a communication addressed to the supreme government and that any further explanation would be cheerfully furnished by Castro, who proposed calling upon and conferring with him in person. At the same time he could not omit the opportunity of expressing his personal feelings of gratitude for the truly philanthropic sentiments manifested by the commissioner towards the people of California.<sup>2</sup>

Meanwhile on June 13, at a meeting of the departmental assembly, the credentials and instructions of Hjar were presented; and a committee appointed to wait upon him.<sup>3</sup> On the same day, Hjar addressed a communication to Pico, suggesting that the assembly proceed at once to the nomination of a constitutional governor for immediate transmission to Mexico, and recommending several measures for the improvement of the administration of the department. In the first place, he remarked that on account of the customs and necessities of the inhabitants of California, their growing industry, their peculiar climate and their distance from the national capital, the general laws of the republic were not always suitable for them; and he, therefore, recommended that the assembly should ask to be governed by special laws, better fitted to their condition and

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<sup>1</sup> Cal. Archives, D. S. P. Ben. Off. Cor. III, 317-319.

<sup>2</sup> Cal. Archives, D. S. F. Ben. Off. Cor. III, 311, 312.

<sup>3</sup> Cal. Archives, D. S. P. VI, 175, 176.

situation, vesting in the governor and assembly more ample powers and giving to the people more extensive franchises. In the second place, he recommended various reforms in the tariff of custom-house duties, suggesting that there were no manufactures to be protected; that the duties upon foreign importation of articles of ordinary consumption should be reduced, thus reducing prices, and that products of any other part of the republic should be admitted free of duty, as those of California to other parts of the republic. These two measures, he said, he deemed of vital importance and, if his excellency concurred, he begged him to present them and recommend them to the attention of the assembly.<sup>1</sup>

On June 16, the customary compliments having been exchanged,<sup>2</sup> the propositions of Hjar were presented to the assembly;<sup>3</sup> and, in accordance with the first of them, a list of candidates for constitutional governor of the department was adopted a few days afterwards. It named the incumbent Pio Pico as first choice, Juan Bandini as second, Mariano Guadalupe Vallejo third, Jose de la Guerra y Noriega fourth and Antonio Maria Osio fifth.<sup>4</sup> The next matter taken up was the re-organization and regulation of the superior tribunal of justice. It was provided that it should consist of two ministers and a fiscal and be divided into two chambers, to be called first and second. The ministers and fiscal were to be appointed by the governor on nomination by the assembly. A secretary or clerk and other subordinate officers were to be named by the tribunal itself. Ministers and fiscal, who for the time being were to be merely provisional, were to receive an annual salary of two thousand dollars each; but afterwards, when the office should be filled by professional lawyers, they were to receive three thousand dollars; and the government was, through the newspapers of the republic, to invite candidates for the positions to present statements of their qualifications. As to inferior jurisdictions, the assembly provided that there should be established in each capital of a "partido" a court of first instance, to be presided over provisionally by the first alcalde in those places where there was

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<sup>1</sup> Cal. Archives, D. S. P. VI, 124-126.

<sup>2</sup> Cal. Archives, D. S. P. VI, 397-399.

<sup>3</sup> Cal. Archives, D. S. P. VI, 177.

<sup>4</sup> Cal. Archives, D. S. P. VIII, 94; D. S. P. S. Jose, V, 404.



an ayuntamiento, and in those where there was no ayuntamiento by the justice of the peace of first nomination. Provision was also made for filling vacancies; and it was declared that the powers, obligations and jurisdiction of the superior tribunal and courts of first instance should be in accordance with the law of May 22, 1837, in so far as it did not conflict with the organic bases or the decree just adopted.<sup>1</sup>

In the same connection and about the same time, the department was re-apportioned into districts and partidos. The first district, to be known as that of Los Angeles, was to comprehend all the territory from the mission of San Luis Obispo inclusive southward; the second, to be known as that of Monterey, was to include all the territory northward. The first district was to be subdivided into three partidos; the first, that of Los Angeles to extend from the crest of Santa Susana, including the ranchos of San Francisco and Las Virgenes on the north to the southern limit of the mission of San Juan Capistrano; the second, that of Santa Barbara, to extend from the northern limit of the mission of San Luis Obispo southward to and including the ranchos of Simi and El Triunfo; and the third, that of San Diego, to comprehend all the mission of San Luis Rey and thence southward to the frontier. The second district was to be subdivided into two partidos, the first, that of Monterey, to extend from the southern limit of the mission of San Miguel northward to the northern limit of the mission of San Juan Bautista and including the mission of Santa Cruz and the villa of Branciforte, and the second, that of Yerba Buena, to comprehend the pueblo of San Jose Guadalupe and thence northward to the confines of the Mexican territory and including the settlements on the Sacramento river.

In the Monterey district there was to be a prefect and secretary and in each partido a sub-prefect, all to be named by the governor, except the secretary and sub-prefect of Yerba Buena who were to be named by the prefect with the approbation of the governor. No one was to be eligible as a prefect or sub-prefect, who was not a Mexican citizen, twenty-five years of age and possessing a capital of two thousand dollars in the case of prefect and one thousand in case of sub-prefect. The tenure of

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<sup>1</sup> Cal. Archives, L. R. IV, 193-196, 202-204.

office in each case was to be two years; but the officer might be re-appointed. The ayuntamientos of Los Angeles and Monterey were to remain as they were; but in the capital of other partidos there were to be municipal juntas, composed of the justices of the peace and two citizens, holding for one year; and each junta was to be presided over by the sub-prefect. The qualifications for members of an ayuntamiento or junta or for a justice of the peace were to be the same as for a prefect or sub-prefect, except the property clause, which was fixed at the minimum of five hundred dollars. The justices of the peace were to be named in conformity with existing law; but the assembly in conjunction with the governor was to be authorized to increase the number. In the Los Angeles district, where there was to be no prefect, the powers of the office were to be exercised partly by the sub-prefects and partly by the governor. The powers, obligations and jurisdiction of prefects, sub-prefects, ayuntamientos, juntas and justices of the peace were to be in accordance with the law of March 20, 1837, where not in conflict with the organic bases or the decree thus adopted.<sup>1</sup>

On July 9, a list of candidates for the superior tribunal of justice was nominated, consisting of Jose Antonio Carrillo, Juan Bandini and Juan Bautista Alvarado for first minister; Manuel Requena, Juan Malarin and Antonio Maria Osio for second minister, and Mariano Bonilla, Jose Antonio Estudillo and Vicente Sanchez for fiscal. Two days afterwards, in view of the approaching elections, it was provided that, for the next electoral college, Sonoma and its neighborhood should elect two members; San Francisco and the Contra Costa three; San Jose de Guadalupe five; San Juan Bautista one; Branciforte one; Monterey eight; San Luis Obispo one; Santa Barbara eight; Los Angeles twelve; San Juan Capistrano one; San Diego three, and the frontiers of Baja California two.<sup>2</sup>

These matters being thus disposed of, the assembly then took up the suggestions of Hjar in reference to the necessity of special legislation for California and the reform of the tariff and adopted his propositions in the same terms in which he had made them. But at a subsequent meeting Pico suggested, in reference

<sup>1</sup> Cal. Archives, L. R. IV, 198-202.

<sup>2</sup> Cal. Archives, L. R. IV, 209-215; D. S. P. Ang. X, 247-251.

to those propositions, that it might be well enough to indicate the special legislation that would be required, as congress might be ignorant of the wants of California and without some specification the propositions could have no effect. Botello took a contrary view. He insisted that the articles had been approved unconditionally, without amendment or alteration, and opposed any change, modification or addition.<sup>1</sup> The spirit of opposition thus manifested by Botello to Pico stirred up a somewhat similar opposition on the part of Pico to Botello; and an opportunity soon afterwards occurred for him to oppose a proposition made by Botello in favor of federalism as against centralism. The result was a conflict, in which both parties became excited; and when a vote came to be taken, which proved to be a tie, Pico as governor threw a casting vote against Botello.

That casting vote was the origin of much controversy. There were only four members of the assembly present, Pico, Botello, Figueroa and Carrillo. Figueroa voted with Pico; Carrillo with Botello. When the casting vote was thrown, Botello claimed that Pico, as mere temporary governor, was not entitled to a casting vote; and in this claim Carrillo agreed with him, while Figueroa again supported Pico. Thus there was a second tie on the question of the casting vote. Pico, however, decided that, in the absence of any resolution to the contrary, he had the casting vote, and that Botello's proposition was lost. He therefore ordered the secretary to record the vote and, turning to Botello, asked if he had anything further to say. The latter replied that he had a great deal to say and began arguing the question of the casting vote, when Pico rang his bell, declared that the question had been decided and called him to order. Botello rejoined that he had not infringed the rules of order, as he had been called upon by the presiding officer to speak; and he then proceeded to say that, without discussing the question, he would enter his solemn protest against Pico's rulings and withdraw from the assembly—which he accordingly did. Figueroa then rose and remarked that it was with pain he saw members, accustomed to preserve the greatest harmony, bickering over such disgusting frivolities, which would be sure to occasion unfavorable criticism, if made public. Fortunately there were

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<sup>1</sup> Cal. Archives, L. R. IV, 219-221.

no spectators present; and he recommended that care should be taken to prevent the shameful occurrence from becoming known.

At the next meeting, Botello made his appearance again and stated that he returned in consideration of the fact that his withdrawal was calculated to cause disturbance and paralyze the action of the assembly in matters of great importance, which were pending before it; and in consideration of the further fact that he had presented his protest to Hajar, the commissioner of the supreme government, who had directed him to return to his seat and fulfill his obligations to the people. Pico then said he would not again exercise or claim the right of a casting vote. There was an interchange of compliments, if not in words at least in looks and demeanor; harmony was restored; and the assembly, after the tempest had passed by, resumed its normal labors.<sup>1</sup>

The matter of importance pending before the assembly, at the time of the quarrel between Pico and Botello, as has been stated, was a proposition to ask from congress the adoption of federalism, instead of centralism, as the system of national government. A report had been submitted, signed by Botello and Carrillo, setting forth the great diversities of customs, education, climate, productions, industries and general resources between different parts of the republic; the necessity of different laws applicable to such different sections respectively, and the consequent advantages of federation as the governmental policy over centralization. They remarked that within twenty-four years the nation had tried every form of government from absolute monarchy and constitutional monarchy to the democracy of 1824, the oligarchy of 1835, the dictatorship of Santa Anna, and the existing form, which might be denominated a mixture of oligarchy and aristocracy. It remained to fix permanently upon the best of the various forms; and that was undoubtedly the federalism of 1824. This was the verdict of public opinion from the north to the south and from the east to the west. If the question were asked which was the best, the magic word "federation" would be echoed back from every quarter, deeply impressed as it was upon the heart of every Mexican from Yucatan to the Californias and from Tehuantepec to the Sabine.

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<sup>1</sup> Cal. Archives, L. R. IV, 225-233.

The profound Aristotle, from whose fountains the most enlightened publicists of modern times such as Filangieri, Montesquieu and others had drawn inspiring draughts, had said that for a constitution to be good, it should be so attractive that, when demolished, the people would look back to it with regret and manifest a desire to return to it. And what was more vehemently wished for and more anxiously desired by the people than a return to the constitution of 1824? Torrents of blood had been spilled in securing and sustaining federation; the illustrious patriots, who had succumbed in the strife, raising their heads from their dusty tombs, cried aloud for federation; the existing generation cried for federation, and the voice of the coming generation was also to be heard uttering without cessation the same cry of federation, federation, federation.

The committee in conclusion proposed a petition to congress to reform the fundamental constitution of the republic and adopt a government of federation, similar to the constitution of 1824, but leaving out all features which favored any kind of centralization of political power and which, it was claimed, had constituted one of the principal causes of its overthrow. At the same time all such reforms were to be made as might be necessary to secure guaranties of individual rights, prevent aggressions and preserve the different classes of society in a state of equilibrium towards one another.<sup>1</sup> It was this proposition that had called forth Pico's opposition and adverse casting vote. That opposition seems, however, to have been based entirely upon personal pique against Botello; and when, after the quarrel was composed, the proposition came up for the second time on July 25, 1845, it was adopted.<sup>2</sup>

While Pico thus managed to have a controversy in the political department of the government, he already had on his hands another, and a more serious one, in the military department. When Micheltorena was expelled and Pico declared temporary governor, Jose Castro, as has been seen, became comandante-general. At first and for a short time, he and Pico got along harmoniously together. But there were soon causes of dissatisfaction. On June 27, Pico summoned the assembly in extraordinary and secret session and announced that Castro had

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<sup>1</sup> Cal. Archives, L. R. IV, 442-445.

<sup>2</sup> Cal. Archives, L. R. IV, 233.

dispatched Jose Maria Castañares with a secret and confidential commission to the supreme government at Mexico. It was not known for certain what the objects of that commission were, but it might be inferred, from the circumstances of its dispatch without the knowledge of the governor or assembly, that it had some reference to political matters. He therefore proposed that the assembly should send a communication to the supreme government, warning it against any scheme that Castro might present and asking it to pay no attention to his commission or commissioner. The assembly concurred, and the communication was accordingly sent.<sup>1</sup>

Some weeks afterwards, another cause of controversy between Pico as political chief and Castro as military chief made its appearance and for a while ruffled the tempers of the respective departments. In June an estimate of the necessary expenses of the civil list of the government had been made out and presented to the assembly, from which it appeared that the assembly itself required nearly thirteen thousand dollars annually, including the pay of its members at fifteen hundred dollars each; the executive office a little over ten thousand; the superior tribunal of justice nearly thirteen thousand; the prefectures four thousand, and the treasury department nearly three thousand; making in all a sum exceeding forty-two thousand dollars. This estimate was referred to a committee, which reported that the only income of the department was derived from customs; that these customs amounted to an average of only seventy thousand dollars a year, and that therefore one-half of the receipts should be devoted to the civil list, instead of one-third as had before been the appropriation authorized by law.<sup>2</sup> In accordance with this report, it was resolved that one-half of the receipts of the custom-houses should be appropriated to the civil government and that the supreme government should be asked to ratify the resolution.<sup>3</sup> When this action became known, the dissatisfaction of the military exhibited itself in such violent and determined terms that it was found necessary to yield to it. The storm was finally appeased by a regular and formal treaty in writing between the political branch of the government, represented by

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<sup>1</sup> Cal. Archives, L. R. IV, 326-329; D. S. P. VI, 299; VIII, 24, 25.

<sup>2</sup> Cal. Archives, L. R. IV, 409-412.

<sup>3</sup> Cal. Archives, L. R. IV, 330-332.

Pico as governor, on the one side, and the military branch, represented by Castro as comandante-general, on the other side. It was signed and dated at Los Angeles on July 26, 1845; and by its terms it was agreed, and to its fulfillment both parties bound themselves solemnly by their word of honor, that the receipts of the custom-houses should be applied first to the payment of the debts contracted by Micheltorena and by the country in expelling him, and that the remainder should be divided into three parts, of which two should go to the comandante-general for military purposes and one to the governor for civil purposes.<sup>1</sup>

In September, an additional commissioner to act in conjunction with Hajar arrived from Mexico and also a batch of dispatches from the supreme government. The adjunct commissioner was Andres Castillero, the same who had been in the country and played an important part in Alvarado's administration; and the principal item of news was that a new comandante-general for the department of the Californias had been appointed in the person of Ignacio Iniestra. Castillero brought with him a confidential letter of instructions from Iniestra, directing a force of one hundred and fifty well-armed men to be immediately posted at each of the ports of San Diego, Monterey and Yerba Buena and that cattle and provisions should be collected at each of those points sufficient for the support of six hundred men for at least forty days. If barracks did not exist, they were to be at once constructed. At the same time all the citizens were to arm and prepare to act as reserves in case of emergency. He also recommended that the bishop of the diocese should be called upon to exhort the faithful to defend the integrity of the territory and that a watch should be kept upon suspected persons to prevent them from committing treason against the republic.<sup>2</sup>

The reason for these orders was the rapid filling up of the country by Americans and the feeling, becoming stronger and stronger with every fresh arrival, that everything was tending their way. By this time the immigrants of the last few years had had ample opportunities of communicating with their friends

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<sup>1</sup> Cal. Archives, D. S. P. VI, 165-167.

<sup>2</sup> Cal. Archives, D. S. P. VI, 127-130.

in the East and describing the magnificence of California, its soil, its climate and its scenery, which needed nothing but the truth to recommend them. In some instances, immigrants returned on visits to the United States and, by their accounts of the land, attracted attention and awakened enthusiasm in regard to it. Among others Joseph B. Chiles, who had come out in 1841, made a trip back and returned in 1843 with more immigrants, including the family of George C. Yount. Some who went back delivered lectures about the country. In the early part of 1845, Dr. John Marsh wrote a long letter to Lewis Cass, then United States senator from Michigan, which had a wide newspaper circulation. After renewing old acquaintance, he gave a brief account of how he had reached the Pacific coast and settled down, and described his farm near the eastern base of Monte Diablo as twelve miles in one direction by ten in the other. He said the agricultural resources of the land were undeveloped, but its capabilities were immense; and he pronounced it the finest country for wheat in the world.

A British ship-of-war, he went on to say, had visited the coast the year before, whose captain was a brother of Lord Aberdeen and one of whose lieutenants was a son of Sir Robert Peel, and they boasted that San Francisco would shortly belong to England. But the hand of fate pointed in another direction. The country was rapidly peopling with immigrants from the United States; and even the Californians themselves would be glad to come under the American government. He estimated the population at that time at seven thousand of Spanish blood, ten thousand domesticated Indians, seven hundred Americans, one hundred English, Scotch and Irish, and one hundred Germans, French and Italians. But the Americans were increasing rapidly. Fifty-three wagons, with that number of families, had arrived safely shortly before, and they were merely the precursors of many others. While Almonte, the Mexican minister at Washington, was publishing proclamations in American newspapers, forbidding people to emigrate to California and telling them that no land would be given them, the actual government in California was doing the contrary and in fact cared about as much, and no more, for the government of Mexico than for that of Japan. It was plain to him that it was the manifest destiny



of the country to follow the example of Texas and eventually to become American.<sup>1</sup>

About the same time, a remarkable piece of information was received in reference to Stephen Smith, an American resident of California, who had been on a visit to the United States and was on his way back by way of Mexico. He was from Massachusetts. He had come to California first, as master of a bark, called the *George and Henry*, on a trading voyage in 1842. While here on that occasion, he had visited the redwoods near Bodega and determined to locate there. He sailed back to the United States and in 1843 returned with a complete outfit for settlement, including the machinery and appliances for a steam grist-and-saw mill. On his way he stopped at Payta in Peru; married Manuela Torres, and brought his bride and her family along. His head engineer was William A. Streeter and his head carpenter Henry Hagler, who accompanied him; and in California he employed Nathan Coombs, James Hudspeth, Alexander Copeland and John Daubenbis to put up his mill, for which he procured lumber at Santa Cruz. At first, objection was made to his settlement in the neighborhood of Bodega by John Bidwell as agent on behalf of Sutter, who claimed the entire coast in that region and for several leagues back on the pretense that he had purchased it from the Russians. But Smith paid no attention to the claim; nor did the government, which the next year made him a grant of the Bodega Ranch, so-called, consisting of eight square leagues of land. Upon the completion and formal opening of the mill, which was built at the edge of the redwoods about a mile northwest of what is now known as Bodega Corners, there was a general concourse of people from far and near; and when the steam was turned on and the buhrstone began to spin round and the saw to rip through a huge redwood log, most of the Californians opened their eyes wide with astonishment.<sup>2</sup> Dawson's saw had been a wonder; but here were the elements themselves harnessed to the work, and—little as they understood it—the planting of the first solid step in the march of a new civilization.

After thus starting his settlement at Bodega, Smith had occasion to go back again to the United States; and, on his

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<sup>1</sup> Munro-Fraser's *Sonoma*, 35-37.

<sup>2</sup> Munro-Fraser's *Sonoma*, 52-54.

return, he came through Mexico while his vessel went around Cape Horn. In April, 1845, soon after leaving the Mexican capital on his way to California, one Henry Kirby, an Englishman who had come to California in 1839 but was then in Mexico, presented himself before the authorities of the city and charged that Smith was a secret agent of the United States government for the purpose of declaring the independence of the Californias and placing them under the American flag; and that a vessel, pretending to be a trader but in fact laden with arms and munitions of war, had left Boston bound for the port of Bodega, near which Smith had his residence. It seems that the Mexican authorities had considerable doubt about the immeasurable falsehood thus told by Kirby; but they considered the policy of the cabinet at Washington exceedingly tortuous, to say the least, and deemed it prudent to investigate. When Smith arrived at Tepic, accordingly, he was arrested and tried on a charge of conspiracy against the government, based upon Kirby's accusations. But there was no proof or evidence to sustain the charge. In delivering his judgment, the judge, Jose Maria Corona, said that the only ground for giving any credit whatever to the accusation was the state of relations existing between Mexico and the United States and the sinister policy pursued by the latter in despite of justice and the laws of nations; but that such considerations would clearly not justify the imprisonment and oppression of a private individual merely because he was a native of the United States. That fact alone was not sufficient to make him personally responsible for the injustices of his native government. There was no evidence of the existence of any such conspiracy as Smith was charged with, while, on the contrary, it appeared that he had a regular business and family in California and the probabilities were that the independence, which he was charged with contemplating, would be much more prejudicial than advantageous to his interests. The judge, therefore, ordered the accusation dismissed and the prisoner released.<sup>1</sup>

As, however, notwithstanding the want of evidence of his guilt or even notwithstanding his entire innocence, there might still be some truth in the story of the Boston vessel laden with

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<sup>1</sup> Cal. Archives, D. S. P. VI, 133-140.

arms and munitions, the governor of California was directed to watch for such a vessel and in the meanwhile to keep an eye on Smith himself.<sup>1</sup> Under ordinary circumstances no attention at all would have been paid to Kirby or his story. But the future was big with events; the very air had begun to grow thick with signs and premonitions of a great change in the destiny of California; and no story was too extravagant for a certain degree of credit when it pointed in the direction that things were tending.

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<sup>1</sup> Cal. Archives, D. S. P. VI, 135, 136.

## CHAPTER IV.

### PICO (CONTINUED).

THE condition of the missions, when Pico commenced his administration, was at a low ebb. They were substantially ruined. Micheltorena's project of restoring them had effected nothing except to defer the recognition and acceptance of that fact. In March, 1845, almost immediately after Pico became governor, it was distinctly understood that it was impossible to preserve them. The circumstances of the country had entirely changed and were no longer favorable to such establishments. All that could be done was to attempt to wind up their affairs; dispose of their remaining properties, and distribute the proceeds in such manner as might be most advantageous for the Indians and the department.<sup>1</sup>

In April, Pico presented to the assembly a message relating to the subject. He said that the government was not indifferent to the decay of the missions and to the total extinction to which they were hastening. Many of them, which had once been so prosperous and occupied so prominent a position in the country, had little or nothing left but a place in history to record their ruin. Such were Carmel, Soledad, San Miguel, San Luis Obispo, Purísima, San Juan Capistrano and San Diego. San Luis Rey, San Gabriel and others were fast following on the same path towards absolute dissolution; and the end was not far distant. An attempt had been made to preserve them; but it had proved utterly impracticable. The Indians themselves were continually demanding their freedom; and it was difficult, under the republican policy of the Mexican nation, to deny their rights or refuse their requests. They were unwilling to live any longer under the mission system for the reason that the system

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<sup>1</sup> Cal. Archives, M. XI, 717, 718.

failed to secure them any advantage or benefit. In considering what was best to be done, while it could not be forgotten that the Indians were to a great extent the owners of the mission properties, it was also to be borne in mind that there were creditors of those properties and that the rights of these creditors had to be respected as well as those of the Indians. In view of all the difficulties, the government was of opinion that it was best to take such immediate measures as might be necessary to prepare for a final decision and, as soon as practicable, to come to some such determination as to what might be necessary. He had no doubt the assembly would handle the business with all the delicacy and circumspection which its gravity demanded; and he therefore proposed that it should proceed to take such steps as it might deem most proper for the disposition of the remaining mission properties.<sup>1</sup>

On May 28, the committee on missions, consisting of Botello and Figueroa, to whom the general subject as well as a special communication in reference to it from Father Narciso Duran had been referred,<sup>2</sup> reported a decree, which on the same day was adopted; and the final disposition of the missions commenced. This decree provided, in the first place, that the neophytes of San Rafael, Dolores, Soledad, San Miguel and Purísima, who had abandoned their missions, should be notified to return within one month for the purpose of resuming their cultivations, and that in default of their return the properties of those missions should be declared forfeited to public uses and disposed of for the general good of the department. It was next declared that Carmel, San Juan Bautista, San Luis Obispo, San Juan Capistrano and San Francisco Solano should be deemed pueblos, as they then were; and that the government, after reserving a sufficient quantity of their real property for churches and appurtenances, curates' residences and public municipal houses, should proceed to sell the remainder for the purpose of paying debts and appropriating the surplus, if any, to the maintenance of religious worship. In the third place, it was resolved that the other missions, as far as San Diego inclusive, should be rented on the most advantageous terms that the government could procure, but in such manner that the Indians should be

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<sup>1</sup> Cal. Archives, L. R. IV, 358-361.

<sup>2</sup> Cal. Archives, L. R. IV, 154.

allowed entire liberty to remain. From this provision, however, there was to be excepted the church of Santa Barbara, the seat of the bishopric; and the products of the other properties of this mission were to be applied, half to the benefit of the church and half to that of the Indians. The products of the other missions when rented were to be divided into three equal parts, one to be applied to the support of the minister and the maintenance of worship, one to be laid out for the benefit of the Indians, and the other to be expended by the government in payment of debts and for educational and benevolent purposes, as were also the products of all debts due to the missions.<sup>1</sup> And in July following, the governor's brother, Andres Pico, and Juan Manso were appointed a committee to carry the decree into effect.<sup>2</sup>

In August, Pico addressed another message to the assembly in which he notified that body that he found insuperable difficulty in satisfying the creditors of those missions which had been ordered to be rented. The decree had directed that only a third part of the products of such missions should be applied by the government to the payment of debts; but it was very evident that such third part would yield a very insignificant sum for that purpose. In fact all the products would be insufficient. At the same time it was plain that the old and worn-out Indians were suffering the pains of hunger; and the idea of abandoning them to destruction could not be thought of by the government, which on the contrary owed them protection and care. As for himself, he thought it best to sell some portions of the properties of those missions and quiet the creditors; but it was a delicate business; and he submitted it for consideration and resolution to the assembly.<sup>3</sup> In answer to this message, the assembly, on September 10, adopted a further decree to the effect that provision should be made for the payment of debts before any mission could be rented, and that, in case a mission were entirely bankrupt, inquiry should be made whether relief could not be obtained from the pious fund, the remnants of which had been ordered to be turned over to Bishop Garcia Diego.<sup>4</sup> It was further provided that the government should exercise scrupulous

<sup>1</sup> Cal. Archives, L. R. IV, 164-167.

<sup>2</sup> Cal. Archives, L. R. IV, 184-210.

<sup>3</sup> Cal. Archives, L. R. IV, 469-471.

<sup>4</sup> Cal. Archives, S. G. S. P. XVIII, 133; D. S. P. Ben. C. H. VI, 305, 306.

care in reference to the agents it employed in the management of mission properties; that efforts should be made to avoid a repetition of the great waste that had occurred, and that agents should be held to a strict accountability.<sup>1</sup>

It is certain, as well from private complaints as from the statements of public documents and the action of the government, that the condition of the missions and the Indians at them was wretched in the extreme. A melancholy picture was presented by a plaint of the old Indians of San Francisco in July, 1843, and what they had to say applied very generally to all the missions. They represented themselves as the remnant, eight in number, of the former large congregation of neophytes, as plunged into the very depths of indigence, nakedness and hunger, without property of any kind for their support, far advanced in age, and worn out with a life-time of labor.<sup>2</sup> And from most of the establishments came similar complaints. Once in a while a donation was made. Thus on one occasion the governor gave a cow;<sup>3</sup> and on another occasion Father Duran gave certain property at the missions of San Buenaventura and Santa Inez.<sup>4</sup> But relief of this kind was small and temporary. In September, 1845, Father Blas Ordaz, writing from San Fernando, repeated the same old story of misery and wretchedness.<sup>5</sup> His complaint may be said to have been the last. Soon afterwards the final ruin settled down, and there was nothing left of the old missions even to complain about.

The final extinction was accomplished under the decree of May 28, 1845, pieced out by the decree of September 10. On the following October 28, Pio Pico issued a proclamation ordering a sale by auction of San Rafael, Dolores, Soledad, San Miguel and Purísima, portions of San Luis Obispo, Carmel, San Juan Bautista and San Juan Capistrano and most of the personal property of all the missions. San Fernando, San Buenaventura, Santa Barbara and Santa Inez were ordered to be rented to the highest bidder for a term of nine years; and San Diego, San Luis Rey, San Gabriel, San Antonio, Santa Clara and San Jose

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<sup>1</sup> Cal. Archives, L. R. IV, 272, 273.

<sup>2</sup> Cal. Archives, D. S. P. Mon. V, 519-522.

<sup>3</sup> Cal. Archives, D. S. P. Ang. XI, 786.

<sup>4</sup> Cal. Archives, M. XI, 969.

<sup>5</sup> Cal. Archives, M. IX, 156.

were to be rented at a subsequent time, when controversies concerning their debts could be arranged. By the same proclamation, the Indians were declared free from their neophytism and at liberty to establish themselves as they might please. Some few police regulations were added for those who should choose to remain at the old establishments; but they were no longer neophytes or, so to speak, children of the missions.<sup>1</sup> By this proclamation, therefore, the mission system or all that remained of it may be said to have been finally destroyed and the missions as such totally extinguished.

In accordance with the decrees and the proclamation, sales and rentings afterwards took place and much of the mission property passed into private ownership. Purísima, for example, with lands and furniture and two vineyards was sold to John Temple for a little over eleven hundred dollars. San Luis Obispo or the greater portion of it was sold for five hundred dollars. And at about the same rate, others were sold. On July 8, 1846, an attempt was made to substantially give away San Diego in payment for alleged services rendered; but the transaction took place just one day after the government of the country had passed out of Mexican control.<sup>2</sup> As to those missions that had not been sold previous to July 7, 1846, and as to those that had been leased, they all fell into the hands of the United States government as a part of its national domain, subject to disposition in accordance with its laws. As missions, in the old sense and meaning of the term, they no longer existed.

With the decline of the missions, though by no means with equal pace, declined also the authority of the missionaries, who had built them up, and of the priesthood in general. They were no longer the powerful and influential class they once had been. The successful ending of the revolution was the beginning of their defeat. A far-seeing eye might easily have perceived that this was sure to be one of the results of the political struggle. The liberty of thought and speech and the equality of rights, which lay at the bottom of the great contest and which though imperfectly secured at first went on developing and increasing in length and breadth of liberality every year, were incompatible with priestly tyranny and ecclesiastical domination. The

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<sup>1</sup> Dwinelle, Add. 90-92.

<sup>2</sup> Cal. Archives, M. XI, 902-960.



old missionaries understood this well; and it was the reason of their life-long and bitter opposition. But they were powerless before the march of events; and every new stand of resistance they took was only the battle-field of a new overthrow. Though the Mexican people professed to be the faithful children of the old church and seemed to believe their professions, they were like the offspring of those insects, which to be born into independent existence have to eat through and destroy the body of their parent. While no one was willing to admit that he was opposed to the old church, every one who went with the revolution and with its outgrowth, the republic, was consciously or unconsciously doing all he could to weaken and destroy the traditions and laboriously devised system upon which the old church depended.

On July 4, 1845, Bishop Garcia Diego, in a communication to the government, reviewed the ecclesiastical situation and in moving terms bewailed the decay of religion and religious obedience, that had gone on contemporaneously with the ruin of the missions. Of recent years especially the retrospect was painful. It had been scarcely four years, he said, since he had assumed the primacy of the church in California; and during that short space of time what pangs had his heart not had to endure! It was impossible in one letter, however lengthy, to detail a tithe of the bitterness. San Francisco Solano, San Rafael, San Francisco, San Antonio, San Juan Capistrano and still others left entirely without priests! How poignantly must a pastor suffer to see his flock, the children of his affection, passing away without confession and without the last succors so indispensable to their eternal welfare! It was like a sword-thrust through his soul, to think of the many who died and were dying without baptism, or to calculate the long time that must elapse before there could be any certainty or regularity of a minister in those abandoned places. He was obliged to witness multitudes of Indians, rendered homeless by the destruction of the missions, wandering destitute of instruction, of mass, of sacraments, and in fact of all religion; thrown back into the companionship of gentiles and living in the same lost state with them; and, worse still, given up to all manner of robbery, drunkenness and murder. How could he be indifferent in contemplating the vast numbers who must die in that wretched and hopeless condition?

And yet it was even more dreadful to feel that there was no help for it; and that, for the want of the means which the church once possessed, he could do absolutely nothing.

How was it possible, continued the bishop, to sleep tranquil when he knew that, even in a paternal visit, he could find no welcome in so many places in all directions? In some of them might he not rather expect an arrow? But it was better, he thought, to pursue the sad theme no further; for his melancholy reflections would find no end. And what remedy could there be for the evil? Alas, among so many tempests, there was no presage of serenity, no prospect of comfort! If he were called upon to express his opinion with frankness and sincerity, he had no hope in human aid. Religion in California presented symptoms of mortality. His beloved church was like a sick man, whose disease was beyond the reach of medicine and whose ailments put the most skillful physicians to shame. Without money; without tithes; without priests or hope of them; even knowing that the priests who remained would not long continue; without religious schools or the wherewith to establish them; and, lastly, without any of the elements of religion, it was impossible to progress. He could see before him only ruin and destruction, as he had already said to the supreme government and as he intended to say to the Holy Papacy, so that it might replace him with a more sanguine and hopeful successor.

The governor had written to the bishop in relation to the establishment of a tariff or rate of ecclesiastical charges, with an idea that by such income priests might be supported and thus something done for religious worship. But the bishop, in his great despondency, declared that the evils of the church were not to be so remedied. Santa Barbara, which contained one of the largest populations, had during the year just closed, without counting Indians, fifty-five baptisms, four marriages and twenty-six burials. The tariff of the bishopric of Guadalajara, which was the most benignant, allowed without considering voluntary contributions for pompous display two dollars and a quarter for a baptism; seven dollars, which was usually raised to eight dollars and a half, for a marriage; and six dollars and a half for a burial. At this rate, supposing the charges always paid, the population of Santa Barbara would have yielded less than three

hundred and thirty dollars for an entire year. Was it possible to maintain a priest and divine worship on such a beggarly pittance? And if Santa Barbara could not, how could other places where the population was still scantier? It was evidently impossible.

At the same time, continued the bishop, it was plain that the priests in California, as things were, would be obliged to depart, one after another, to places where they might be able to maintain themselves; and, as for himself, he felt that he would be compelled to follow them. The bishopric, under the circumstances, was not and could not be sustained. Nevertheless, as to a dying man all remedies are given though known to be fruitless to save, so in the case of the church he was willing that the remedy of an ecclesiastical tariff might be applied; and he was ready, in conjunction with the governor and the population of the various points, to fix the rates as soon as the proper representations were forwarded.<sup>1</sup>

The gloomy prospect, which thus presented itself to the bishop's contemplation, was irradiated by a gleam of sunshine in September, when news arrived of the decree of the Mexican congress, dated April 3, 1845, ordering the pious fund of the Californias or all that was left of it to be turned over to him and his successors. Pico, in conveying official information of the pleasing intelligence, suggested thanksgiving services and supplications to the Throne of Grace for relief from the public calamities with which the Divine Justice was chastising the country. The bishop replied in a letter, which for once was free from complaints and forebodings and in a style far more buoyant than he had apparently used for years, that he had already given the proper directions.<sup>2</sup>

But the gleam of sunshine was a mere gleam. If the bishop had had plenty of money, and if the American conquest had not intervened, there is no saying but that he might have worked the church up into a certain sort of influence in California again, political at least if not religious. But its days were numbered; and the fiat of its fall had gone forth beyond recovery. The bishop's money, represented as it was by investments, did not come and could not be expected to come for a long time. The project of

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<sup>1</sup> Cal. Archives, P. S. P. VI, 491-494.

<sup>2</sup> Cal. Archives, D. S. P. VI, 500, 501.

raising funds by an ecclesiastical tariff was vain. The plan of keeping up religious worship in leased missions by a portion of the scanty products was a failure.<sup>1</sup> The few priests that were left, being no longer urged forward in their work by the spirit and hopes of the old founders, began to abandon the country.<sup>2</sup> Lastly, the two strongest and ablest of the priesthood who remained, worn out with the long and losing struggle, fell sick and died. These were the bishop himself and the venerable Father Narciso Duran. The former was seriously and as it proved mortally attacked in March, 1846; and lingered only a few months. For a short time the duties of his office were performed by Father Duran and Father Jose Maria de Jesus Gonzalez;<sup>3</sup> but on May 1 Duran himself succumbed;<sup>4</sup> and the bishop soon afterwards followed him.

During the civil dissensions of Micheltorena's time, very little attention had been paid to the gentile Indians and their horse and cattle stealing forays on the frontiers. But there was one notable exception. It seems that a cow had been stolen in the neighborhood of Sonoma in the spring of 1843 and that Vallejo fitted out an expedition, consisting of a number of whites and Sonoma Indians, which he placed under the command of his brother, Salvador. What instructions were given them do not appear; and it is probable that they acted without any. Be this as it may, they proceeded northward over valley and mountain, and doubtless far beyond the limits of any rancheria that could have committed the theft, until they arrived at Clear Lake. Near the southern margin of that magnificent sheet of water there are several islands of great beauty, two of which in particular were inhabited by Indians, who are said to have been of gentle disposition and who lived there, protected by their isolated situation, in fancied security.

When Salvador and his party arrived at the border of the lake, the chief Indians of the islands passed over on their rafts to meet and communicate with them. The new-comers said, through an interpreter, that they had come on a peaceful mission, with the object of making an alliance, and requested to be

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<sup>1</sup> Cal. Archives, D. S. P. VII, 358, 359; VIII, 328-332.

<sup>2</sup> Cal. Archives, D. S. P. IX, 596, 597.

<sup>3</sup> Cal. Archives, D. S. P. Ben. P. & J. II, 637, 638; D. S. P. Ang. XI, 866, 867.

<sup>4</sup> Cal. Archives, D. S. P. Ben. P. & J. II, 289, 290.

carried over to one of the islands, where they should all meet. The natives, not for an instant suspecting treachery, readily complied. When they were all collected at the main rancheria, the Indians under pretense of the treaty were induced to lay aside their weapons and enter their large underground temescal or sweat-house. When they had done so, the whites and their auxiliaries drew their knives, such as were used for slaughtering cattle, and throwing themselves into the gloomy pen began a horrid and indiscriminate butchery, respecting neither age, condition nor sex.

A few of the doomed creatures succeeded in breaking out of the gory inclosure and, plunging into the water, tried to escape by swimming to the mainland; but they were all shot to death as they were thus desperately endeavoring to get away—all with apparently one single exception. Among them was a woman with a child tied in a net on her shoulders. As she sank, struck by a musket ball, the child struggled in its net, when one of the whites, either less barbarous than the others or more probably with an idea of securing a domestic servant, jumped on a raft and saved the half-suffocated infant. The narrator of the bloody story adds that he had seen the child, which was about a year old, and that whenever a white person approached, it would utter a scream and go into convulsions of terror. And well it might! And well might the narrator exclaim as he did: "*Que barbaria! que ferocidad tan! de unos hombres destituidos de todo sentimiento de humanidad!—What barbarity! and what ferocity too, of men destitute of every sentiment of humanity!*"<sup>1</sup>

When Pico became governor, and it was fondly hoped that the political tempests, which had swept over the country, had at length passed by and the rainbow of peace permanently settled over the land, the attention of the government was again directed to the Indians and their thieving forays. The first act of Pico's administration in reference to the subject was a remarkable one. It was a contract in writing regularly entered into at Los Angeles on February 27, 1845, by the governor on the one part and the Americans, John Marsh and John Gantt,

<sup>1</sup> The account of the massacre at Clear Lake is taken from the copy of a letter in Spanish, dated San Francisco Solano, March 28, 1843, which purports to have been furnished the United States surveyor-general for California by O. Bendeleben.

on the other, for an expedition against the Indian thieves and the protection of the Californian rancheros. Marsh and Gantt undertook to collect a sufficient number of men for the purpose and to act, in their expeditions against the Indians, under the general instructions of the military department. They were to receive in compensation for their services five hundred cattle and one-half of all the horses they might recover; but any one who had been robbed was to have the privilege of joining the party, and in such case to have the exclusive right to all his own recovered property. At the same time Castro, as comandante-general and head of the military department, issued a series of instructions for the march of the expedition from San Fernando to Sutter's establishment on the Sacramento river; naming some of the Indian rancherias to be passed by as friendly; ordering the destruction of others as hostile, and giving directions for the saving of women and children and for the disposition of prisoners.<sup>1</sup>

In April, Sutter wrote from New Helvetia that some four hundred Indians of the Calaveras had attacked the ranch of Guillermo Gulnac on the San Joaquin river; killed Thomas Lindsay; burned his house and stolen his cattle as well as those of Gulnac; that, immediately after the murder and robbery, they had slaughtered a portion of the cattle and held a grand feast; that he had dispatched a force against them, who killed twenty but took no prisoners; that the Indians had fought like demons and killed Juan Baca and wounded several others, and that he intended sending a stronger force against them.<sup>2</sup> Soon afterwards, Castro issued a circular to the effect that within a few weeks he would himself march against the Indians, with the intention of striking a decisive blow, and inviting all the rancheros, whose possessions were exposed, to join him.<sup>3</sup> Pico followed with a proclamation, requiring rancheros between Santa Barbara and San Diego to furnish men and horses for the service.<sup>4</sup> About the same time, he directed all the powder and lead that could be procured at Monterey, San Jose and San Francisco to be pur-

<sup>1</sup> Cal. Archives, D. S. P. VI, 606-613; S. P. XIX, 192, 193; D. S. P. Ang. XI, 707, 708.

<sup>2</sup> Cal. Archives, D. S. P. VI, 617, 618.

<sup>3</sup> Cal. Archives, D. S. P. VI, 621-623; D. S. P. S. Jose, V, 172.

<sup>4</sup> Cal. Archives, D. S. P. Ang. X, 222.

chased to supply the expedition.<sup>1</sup> Thus an extensive Indian hunt was prepared; but in June Castro considered his presence at Los Angeles of more importance than on the frontiers; and the hunt did not take place.<sup>2</sup>

The preparations thus made, though nothing of importance was done, had a healthy effect upon the Indians. In September, Sutter wrote that they had committed no further depredations and that there were even good prospects of inducing them to come in and subject themselves to the laws.<sup>3</sup> At the same time, however, that Indian affairs in the northern part of the department were thus quieted, there were rumors of new troubles in the south, occasioned by the arrival of a few Utah Indians from the interior of the continent and the reported approach of a large number.<sup>4</sup> But it subsequently turned out that the Utahs were much fewer than reported and powerless for harm. They had apparently been driven out of their own country and desired to settle in California. They were poor to the last degree, almost dead with hunger, anxious to make a lodgment, but entirely innocent of malice or hostile designs.<sup>5</sup>

Castro, as has been said, did not march against the Indians on the frontiers. On the contrary he went to Los Angeles. It was while he was preparing for a grand campaign that Pico and the departmental assembly had attempted to make the new division of the custom-house receipts already mentioned; apply one-half instead of one-third, to the civil service, and thus deprive the military department of one-sixth its usual revenue. As head of the military department Castro could in nowise consent to any such arrangement; and accordingly, giving up his campaign, he proceeded to Los Angeles and entered into the controversy with Pico, which resulted in the treaty between the political government on the one side and the military department on the other, that the latter should continue to receive its customary two-thirds.

Being thus defeated in its attempt to raise sufficient money to pay the salaries of its members, the assembly soon afterwards

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<sup>1</sup> Cal. Archives, D. S. P. Ben. Off. Cor. III, 308.

<sup>2</sup> Cal. Archives, D. S. P. Ben. Off. Cor. III, 322, 323; D. S. P. Ben. C. H. VI, 465, 466.

<sup>3</sup> Cal. Archives, D. S. P. VI, 645, 646.

<sup>4</sup> Cal. Archives, D. S. P. Ang. XI, 825, 826.

<sup>5</sup> Cal. Archives, D. S. P. Ang. VIII, 499, 500.

suspended its sessions. There were a few matters, however, which had to be first attended to. One was the throwing of the vote of the department for the election of a constitutional president of the republic: this took place on August 1 and resulted in the casting of three votes against two for Jose Joaquin Herrera, the incumbent temporary president.<sup>1</sup> Another matter was the arming of the country in anticipation of war with the United States. Though there had been no positive information received of a declaration of war, rumors were thick;<sup>2</sup> and it was very certain that it would not be long deferred. On August 13, therefore, the assembly passed an act authorizing the governor to call out the militia and take measures, in conjunction with the comandante-general, for the public defense.<sup>3</sup> Soon after this action was taken, a "reglamento" was received for the enrollment of the militia of the entire country under the title of "defensores de la independencia y de las leyes—defenders of independence and the laws," issued by the president at Mexico on June 7, 1845.<sup>4</sup> This necessitated further action; and, accordingly, on September 24, a decree was passed for the enlistment of the militia under the new name. It directed a register to be opened in each partido at the office of the sub-prefect, judge of first instance or justice of the peace, and the citizens invited to enroll. None were to be received, except those who were in the possession and exercise of all their rights. The new soldiery was to consist entirely of cavalry. There was to be one company in each partido, composed of a captain, lieutenant, two ensigns, a first sergeant, four second sergeants, eight corporals, two trumpeters and fifty-five dragoons, or seventy-four in all. The sergeants and corporals were to be elected by the companies; the captains, lieutenants and ensigns to be named by the governor. Application was to be made to the comandante-general for arms and munitions. The companies were to be regularly drilled and care taken to excite their zeal and patriotism; but they were not to be called upon to perform service out of their respective districts, except in case of urgent necessity; and in such case they were to have the same pay and privileges as regular troops. It was

<sup>1</sup> Cal. Archives, L. R. IV, 235; D. S. P. Ang. XI, 791.

<sup>2</sup> Cal. Archives, L. R. IV, 454, 455.

<sup>3</sup> Cal. Archives, L. R. IV, 245-247.

<sup>4</sup> Cal. Archives, L. R. IV, 490-493.



further provided that, in case it should be necessary for all the new companies to act together, they should form two squadrons, the first composed of the Los Angeles, Santa Barbara and San Diego companies and the second of those of Monterey and Yerba Buena.<sup>1</sup> The next subject of importance requiring attention was the creation of a treasury department;<sup>2</sup> and in addition to this a new act regulating the hide business.<sup>3</sup> All these matters having been disposed of, and the members being unwilling to sit any longer without pay or the prospect of pay, the assembly on October 8 dissolved and dispersed.<sup>4</sup>

The controversy or quarrel, which had sprung up between Pico and Castro, instead of being composed by the defeat of the former's projects in reference to the custom-house receipts, continued to increase. Castro had, or imagined he had, many other things to complain of; and, though he said little, he manifested his feelings of hostility by actions louder than words. There was anything but harmony between them; and the breach was still further widened by the arrival in September of information that a new comandante-general had been appointed and was on his way with troops to take possession. Afterwards, however, when further news arrived to the effect that the supreme government had changed its plans and that Iniestra, the newly appointed comandante-general, was not to come to California, there appeared to be a change of circumstances. Pico wrote to Castro in conciliatory terms;<sup>5</sup> and a few days afterwards, when a revolt against Pico's government broke out at Santa Barbara, Castro assisted in putting it down.

This last movement was headed by Jose Antonio Carrillo. He had been for many years a man of prominence in the country and filled many important offices; but his active brain was full of revolutionary schemes; and it was his misfortune to be dragged by them into continual difficulties and troubles. With the high social position he occupied and a more quiet steadiness of purpose, he might easily have reached the highest honors; but he was almost always in turmoil and rebellion. When Mich-

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<sup>1</sup> Cal. Archives, L. R. IV, 286-291; D. S. P. Ang. X. 280.

<sup>2</sup> Cal. Archives, L. R. IV, 291, 292.

<sup>3</sup> Cal. Archives, L. R. IV, 313-315.

<sup>4</sup> Cal. Archives, L. R. IV, 322.

<sup>5</sup> Cal. Archives, D. S. P. IX, 645-648.

eltorena was expelled, he was chosen by the departmental assembly one of the commissioners to carry the indictment of charges against the deposed governor to the supreme government at Mexico; but he declined on various pretexts and in such a manner as indicated that he was not pleased with the course of events.<sup>1</sup> Subsequently in July, the assembly elected him the head of its list of candidates for first minister of justice, and Pico appointed him to the office;<sup>2</sup> but this also he declined. Soon afterwards it was ascertained that he was plotting against the Pico government and that he had secretly gained over many adherents at Santa Barbara and Los Angeles. Pico, upon discovering the fact, at once raised a body of two hundred troops; put down any chance of a rising at Los Angeles, and then ordered them to proceed to Santa Barbara, where there had been a pronunciamiento and a seizure of the sub-prefect and alcalde as representatives of the government. At the same time Castro issued a proclamation, counseling the Santa Barbara people to submission and patience and threatening, in case of continued resistance, to march against them. The combined influence of Castro's threat from the north and Pico's force from the south accomplished the purpose. The Santa Barbara people not only yielded, but they delivered up Carrillo, who towards the close of the year was ordered to be shipped to Mexico for trial.<sup>3</sup> The order, however, was not carried into execution; and a few months afterwards Carrillo was making common cause with Castro at Monterey.

But notwithstanding their temporary union, there was no cordiality between Pico and Castro. On the contrary each in his own way seemed to be gratified with abuse of the other. Castro allowed pasquinades against Pico to be posted up at Monterey and was charged with extending a sort of protection to the authors of them;<sup>4</sup> while Pico, in his communications to the supreme government, said unpleasant things about Castro whenever an opportunity presented itself. Thus in February, 1846, in giving an account of Carrillo's conspiracy, he charged Castro

<sup>1</sup> Cal. Archives, D. S. P. VI, 104.

<sup>2</sup> Cal. Archives, D. S. P. Ang. X, 247-251; D. S. P. VI, 301, 302.

<sup>3</sup> Cal. Archives, D. S. P. VI, 225, 226; IX, 457-459; D. S. P. Ben. LXXXVI, 613.

<sup>4</sup> Cal. Archives, D. S. P. VII, 368-370.

with granting a great many more favors to Carrillo after his surrender than the latter, as a conspirator, was entitled to. Again, in speaking of the change of plan of the supreme government in reference to the sending of Iniestra to California, he said it was altogether a very unfortunate affair that the new comandante-general had not been sent; and he added, by way of commentary, that he was afraid the supreme government had placed too much faith in Castro's representations, and that as a consequence the departmental government was left without any regular military force upon which it could rely.

All this, Pico proceeded to say in the same communication, was especially to be deplored under the circumstances in which the department was then placed. It was at length very certain that California was soon to be the object of an attack for the purposes of conquest by the United States. The proof of this appeared in the continual stream of American immigrants that was pouring into the Sacramento valley. Fifty wagons had arrived the previous year and they reported many more ready to start; and all were coming with the intention of permanent occupation. It was also said there were ten thousand American Mormons on the road, who claimed California to be the land promised them in the scriptures for an inheritance as the chosen children of God. And a still more certain proof and confirmation of the aggressive purposes of the United States was the appearance in the country of John C. Fremont with an armed body of sixty men, who, though they might be as they pretended the guard of a scientific expedition, were still foreign troops that had in fact invaded the country under the flimsy pretext of wintering in it.<sup>1</sup>

At the same time that Pico thus wrote, he sent Jose Maria Covarrubias as a new commissioner to Mexico with instructions to represent to the supreme government the very great danger to which California was exposed and the necessity of reinforcements for the preservation of the national integrity. If troops could not be furnished, arms and munitions of war were to be asked for, sufficient to enable such comandante as might be named to organize a permanent departmental force of at least three hundred men. Representations were also to be made at

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<sup>1</sup> Cal. Archives, D. S. P. IX, 457-462.

the same time of the impossibility of organizing the superior tribunal of justice for want of persons in the country versed in the law and qualified to fill the offices; and in conclusion Covarrubias was directed to hasten back with the answer of the supreme government, whatever it might be, as soon as possible.<sup>1</sup>

Up to this conjuncture, ever since the treaty of the previous July in reference to custom-house receipts, Castro had acted in substantial independence of Pico; but not in opposition to him. He now took a step in direct conflict. Pico desired to supersede Jose Abrego, the treasurer at Monterey, by the appointment of Ignacio del Valle in his place; but Castro insisted that the perilous condition of affairs, with an armed body of Americans already in the country, would not admit of any such change at that time; and he even went so far as to speak of using force to keep Abrego in office.<sup>2</sup> A few days afterwards, Pico wrote to Castro proposing a personal interview and compromise of their differences. With this object in contemplation he invited him to visit Santa Barbara, whither he also would proceed; and there, he hoped, they would be able to come to some amicable understanding satisfactory to both parties, which was absolutely necessary in persons occupying their respective positions and in the circumstances of affliction under which the department suffered.<sup>3</sup>

Castro, however, was by this time too busy with other matters to pay any attention to Pico's proposition. A few days previously he had ordered Fremont and his party, who were then near San Juan Bautista, to leave the country; but Fremont, instead of complying with the order, had fortified himself on the Gabilan mountains and raised the American flag; and Castro had immediately marshaled his forces and marched out against him. In so doing, he had acted, as he had done for some time previously, in entire independence of Pico and without consultation with the political government. And in the same manner, after Fremont had broken up his camp and retired northward, he issued a furious proclamation in his own name and by his own authority, completely ignoring the governor. The document was dated March 13. In it he termed Fremont and his

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<sup>1</sup> Cal. Archives, D. S. P. Ang. XI, 849; D. S. P. IX, 746-749.

<sup>2</sup> Cal. Archives, D. S. P. XIII, 365-367.

<sup>3</sup> Cal. Archives, D. S. P. IX, 636-638.

party a band of highwaymen, who, without respecting the laws of the department and in direct opposition to them, had introduced themselves into the territory. They had even for a time entrenched themselves; raised the American flag, and defied the authorities of the country. Seeing the force that had been sent against them, they had abandoned their camp, leaving some clothing and munitions of war; but the fact of their presence was an insult, worthy the execration and hate of every Mexican. He therefore called upon his fellow citizens to arm in defense of their independence and to repel with strong hand the aggressions of the ingrates, who, after receiving so many testimonials of the country's hospitality, had made so base a return for all its cordiality and benevolence.<sup>1</sup> As soon as Pico heard of this proclamation, he wrote to Castro, expressing his surprise that any such action and especially any such march against Fremont, as he was reported to be contemplating, should be taken without the knowledge and concurrence of the government, which was quite as much interested in the defense of the country as the comandante could be.<sup>2</sup>

Castro's next step was still more decidedly independent of Pico's government; but at the same time it showed that he was by no means alone in the policy he was pursuing. It was the calling of a junta or council of all the officers at or near Monterey and a ratification of the pronunciamiento known as the Plan of San Luis Potosí. This famous pronunciamiento was in substance nothing more than the expression of undying hatred and uncompromising hostility to the United States. In March, 1845, while Herrera was president of Mexico, the United States had annexed Texas. The result was the Mexican war; but, before hostilities commenced, an attempt was made to settle by negotiation the dispute that had arisen. Herrera's government was favorable to the proposition; but the great mass of the Mexican people opposed it. The popular feeling presented an opportunity to one of the generals of the Mexican army, of whom there were many always ready to seize an advantage of the kind without regard to consequences, to acquire power and reach the presidential chair. This time it was Mariano Paredes y Arrillaga. He pronounced against the attempted negotiations,

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<sup>1</sup> Cal. Archives, D. S. P. VII, 179.

<sup>2</sup> Cal. Archives, D. S. P. IX, 502, 503.

and against the United States under any and all circumstances, at San Luis Potosí on December 14, 1845. To carry out his plans, he of course manifested hostility to Herrera. Being joined by Generals Juan N. Almonte, Jose Maria Tornel, Gabriel Valencia, Pedro Ampudia and others and supported by the popular cry, he presented so formidable a front that on December 30, 1845, Herrera resigned. Paredes y Arrillaga took his place as temporary president of the republic; and the war became inevitable.

In their ratification of the new plan, Castro and his junta pronounced it to be the guaranty of Mexican rights, the salvation and defense of territorial integrity and the regeneration of the republic; and Paredes y Arrillaga was hailed as the worthy leader of a high enterprise, the gallant chief, illustrious patriot and author of new-born liberty. They charged the acts of Herrera's administration, in so far as they affected California, to be directly opposed to its necessities and interests and therefore null and void, and pledged themselves, in absolute adherence to the pronunciamiento of San Luis Potosí, to defend the honor of the Mexican nation against the perfidious attacks of its rivals and evil-wishers, the North Americans. A written declaration to this effect was issued as the voice of the junta on April 2, 1846, and bore the signatures of all its members, twenty-nine in number, prominent among whom were the names of Castro, Vallejo, Alvarado, Victor Prudon, Jose Antonio Carrillo, Jose Abrego, Joaquin de la Torre, Eugenio Montenegro, Manuel Garfias and Jose Maria Flores.<sup>1</sup>

On April 11, Castro convened his junta again for the purpose of taking measures against Fremont, who, although he had marched northward towards Oregon, was said to be about to return with reinforcements. He announced that, through the mediation of the commissioner Castellero, he had asked the supreme government for succor; and he had faith in its energy

<sup>1</sup> Cal. Archives, D. S. P. VII, 201-204.

J. W. Revere reports two remarkable speeches said to have been made at this junta or at a junta held at Monterey about this time. One of them, in favor of the Americans, is attributed to Vallejo and the other, against the Americans, to Pico. There seems to be no truth in either of them. It is certain that Pico was not at or near Monterey when the junta was held. As for Vallejo, however much he may have since claimed to have been a friend to the Americans, the record above cited indicates very plainly that he was not.—See Revere's "Tour of Duty in California—New York and Boston, 1849," 24-30.

and promptitude as well as in the zeal and activity of Castillero. But it was necessary to take immediate action without waiting for the expected aid. As for the governor of the department, he said he had received an invitation to meet him in a personal interview at Santa Barbara; but, without expressing any opinion upon that subject, he would say that he relied entirely upon the patriotic deliberations of the junta to save the country in the perilous crisis of existing circumstances. The junta in return, after fully discussing the propositions thus presented to it, resolved that Castro's presence in the north, which was as yet the only point threatened, was indispensably necessary. It next resolved that the governor ought to come as far north at least as Monterey, where he would be able with his presence to co-operate more efficaciously and aid more efficiently in any measures that might be taken for the salvation of the country than he could either at Los Angeles or Santa Barbara. But if, as however was very improbable, the governor should not concur in this view of the subject, the junta was of opinion that the comandante should, nevertheless, proceed to meet the exigency of affairs and, for this purpose, establish his head-quarters at Santa Clara as the most advantageous point for the direction of his proposed military operations; and that, in conjunction with the superior authority of the district, he should immediately take all the necessary steps to utilize the approved and unquestionable patriotism of the people in defense of the territory.<sup>1</sup>

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<sup>1</sup> Cal. Archives, D. S. P. VII, 194-197.

## CHAPTER V.

### PICO (CONTINUED).

**W**HILE Castro and his junta of military officers at Monterey were thus substantially ignoring Pico and assuming by themselves to manage public affairs, Pico was laboring to collect the departmental assembly at Los Angeles. There had been an election held in the usual manner on October 5 and 6, 1845, which resulted in the choice of Juan B. Alvarado as delegate to congress, with Manuel Requena as substitute, and Juan Bandini, Jose Abrego and Santiago Arguello as fifth, sixth and seventh members of the assembly; and at the same time Joaquin Carrillo, Abel Stearns, Santiago E. Arguello, Agustin Olvera, Ignacio Palomares, Antonio Maria Pico and Joaquin Ortega were elected first, second, third and up to seventh substitutes.<sup>1</sup>

It was the intention of Alvarado to proceed to Mexico and assume the duties of his new office;<sup>2</sup> and he continued to indulge the hope of being able to do the country some service in the capacity of representative even down to the time of the American occupation. But it required funds to defray his expenses to the national capital, as well as to support himself while there; and the departmental treasury was in no condition to furnish them.<sup>3</sup> Whatever may have been his opportunities of enriching himself while in office, he was still a comparatively poor man; and as he had no money of his own and there was none in the treasury to send him to Mexico, he could not go. It was also in part at least for the same want of funds in the treasury that Pico experienced difficulty in getting the departmental assembly together. The salaries of the members of the last assembly still remained unpaid; and there was no prospect, in view of the

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<sup>1</sup> Cal. Archives, D. S. P. VI, 205, 206; D. S. P. Mon. III, 282.

<sup>2</sup> Cal. Archives, D. S. P. VI, 464, 465.

<sup>3</sup> Cal. Archives, D. S. P. VII, 424, 425; VIII, 340, 341.



demands of the military service and the probability, amounting almost to certainty, of a war with the United States, that the members of the new body would fare any better. Besides all this, there was so much conflict and disorder throughout the department that the position of a member, as soon as the assembly should attempt to act, was sure to be exceptionally disagreeable.

Hijar, the commissioner from the supreme government, who, whatever his conduct may have been in former days, had manifested much good judgment on his last visit to the country and might possibly have accomplished much towards healing difficulties, was no more. He died at Santa Barbara towards the end of December, 1845.<sup>1</sup> Castellero, his assistant, was still present; but his attention was almost exclusively taken up with the great quicksilver mine which he discovered in December, 1845, at what was afterwards known as New Almaden.<sup>2</sup> So far as he took any further part in public affairs, it is supposed that he was rather disposed to stir up more difficulty and trouble than allay what already existed. It is at least charged by some persons that the supreme government was suspicious of both the Californian factions and feared that if they were united, they would join together for the purpose of selling out the department; and that therefore Castellero's secret instructions and policy were to keep them divided.<sup>3</sup> But whether this were so or not, it needed little or no help from any one to keep up the ill feeling and discord that separated Castro and Pico, Monterey and Los Angeles, the north and the south.

Pico had given notice for the convocation of the assembly at Los Angeles on January 1, 1846. But for the reasons already stated it did not meet at that time.<sup>4</sup> Soon afterwards, Pico suffered a great affliction in the death of his mother, Doña Eustaquia Gutierrez; and his attention was diverted for a time to the ceremonies of her burial and the proper tribute of respect to her memory.<sup>5</sup> This sad duty performed, he turned again to public affairs and in February, as has been stated, sent Covarru-

<sup>1</sup> Cal. Archives, D. S. P. VI, 466.

<sup>2</sup> Cal. Archives, D. S. P. VI, 462.

<sup>3</sup> Osio MS.

<sup>4</sup> Cal. Archives, D. S. P. IX, 462, 463.

<sup>5</sup> Cal. Archives, D. S. P. Ang. XI, 848.

bias with instructions to Mexico. Shortly afterwards came the news of the pronunciamiento of San Luis Potosí, with the retirement of Herrera and the accession of Paredes y Arrillaga to the presidency of the republic; and at the same time an appointment of Pico by the late president, dated September 3, 1845, as "gobernador propietario" or constitutional governor of the department.<sup>1</sup>

The governor's efforts to convoke the assembly, urged by reasons continually growing stronger and difficulties more and more complicated, finally succeeded in collecting a quorum. The body met in April. The first and chiefest business was a consideration of the state of the country and the measures necessary to be immediately taken for its protection. Francisco Figueroa, to whom as a committee of one the subject was referred, made a long report on April 22. He said there were two very serious questions to be answered. In the first place, in the event which there was much reason to believe had already happened of an invasion by the Americans before the supreme government could forward the necessary troops to repel it, what steps were to be taken to oppose them? In the second place, supposing the necessary number of national troops to arrive and fail to receive the proper support, what would be the consequence to the people of California?

To neither of these questions, Figueroa continued, could he give a satisfactory reply. It was certain, however, that not only was the national honor involved, but also the interest and liberty of every citizen. The condition of public affairs was lamentable. There was no administration of justice; there were no proper orders from the supreme government; there were no public funds; there was no military force to aid and sustain the legally constituted authorities, and defend the rights of individuals which were continually attacked; and in fine the interior administration of the department was in a complete state of disorganization. Under the circumstances, and for the purpose of meeting the difficulties presented in the only practicable way that seemed open, he proposed the calling of a general junta or convention, to be composed of delegates elected directly by the people and to meet at Santa Barbara on June 15. Of these

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<sup>1</sup> Cal. Archives, D. S. P. Ang. XI, 857-859; D. S. P. VII, 164; IX, 707, 708.

delegates, Sonoma should elect one, San Francisco one, San Jose two, Monterey four, Santa Barbara four, Los Angeles four and San Diego two. At the same time, in order that all classes of the population might be represented, he proposed that the military and the church should be invited to send such number of delegates as they might deem proper, not exceeding five each; and that the respective members of the departmental assembly should be considered delegates *ex-officio* with voice and vote. He further proposed, with the object of insuring the popular representative character of the convention, that it should require the presence of twelve of the delegates elected by the people to constitute a quorum; and, with the object of preserving due respect for the constitutional authorities, that the governor should preside, except in the event of his absence, in which case a presiding officer was to be named by the body itself. The purpose of the convention was plainly and explicitly stated to be to take control and management of the department and put an end to the fatal evils which menaced it both from without and within.<sup>1</sup>

On the same day that this plan for a general convention was presented to the assembly, Pico wrote to Castro in reference to the military junta held at Monterey eleven days before. He said he had received an account of the proceedings of that council of war—for it was impossible to call it by any other name—and was surprised at its attempted assumption of departmental control and its disregard of the laws. If he were so disposed, he might make various comments as well upon the presence of objectionable individuals at that meeting as upon the purposes which they were endeavoring to accomplish; but he refrained. It was sufficient to say that the so-called junta of Monterey had attempted to interfere and intermeddle in matters, which were beyond its province or jurisdiction; that its acts were in so far entirely null and void, and that the departmental government, without further inquiry or investigation, would so consider and treat them.<sup>2</sup>

On the same day also, Pico directed a note to be written to James Alexander Forbes, British vice-consul at San Francisco, which still further exhibited the relations between himself and

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<sup>1</sup> Cal. Archives, D. S. P. VII, 60-71; VIII, 347-353; D. S. P. Ang. X, 283.

<sup>2</sup> Cal. Archives, D. S. P. IX, 653-655.

Castro. Forbes was at the time administrator of the business of the Hudson's Bay Company. This company had about 1840, after a long and bitter dispute with the Russian-American Company concerning trade with the Indians at Queen Charlotte's Sound, entered into a contract, one of the terms of which was that when the Russians should abandon California, as they then contemplated doing, the Hudson's Bay Company should furnish the Russian settlement at Sitka with grain, tallow and other needed supplies from California. To carry out this part of the agreement it was necessary for the Hudson's Bay Company to establish an agency, warehouse and business in California; and this was accordingly done at Yerba Buena about the time the Russians withdrew from the country. William G. Rae, the first agent of the company, carried on its business until about the middle of 1845, when, on account of combined business and family troubles, he committed suicide; and Forbes, as vice-consul, became administrator of the company affairs.

One of the business transactions left unsettled by Rae was a debt of four thousand dollars owing by Sutter to the company and for which he had mortgaged the receipts of his launch, called the Sacramento. No question had been made about the validity of this transaction until after Sutter had taken part with Micheltorena and had been defeated; when, on a claim that the mortgage was fraudulent, the launch had been seized, and the company seemed in a very fair way of losing its money. Forbes, under the circumstances, had addressed the departmental government and, as British vice-consul, demanded its aid in securing the debt and in collecting other debts owing to the company, amounting in all to about fifteen thousand dollars.<sup>1</sup> But the loss to the Hudson's Bay Company, thus threatened by the speck of civil war in Micheltorena's time, was much more seriously threatened by the appearance of Fremont and the armed American invasion, of which he was reported to be the vanguard and leader. Fremont's arrival had in fact scarcely been announced, when Forbes again addressed the departmental government and demanded to know all the particulars about Fremont's coming and the objects he contemplated in thus entering the country. It was in answer to this inquiry, that Pico directed the note

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<sup>1</sup> Cal. Archives, D. S. P. VIII, 187-196.

referred to to be written. It was dated April 22. In it he sent word to Forbes that the government had not been officially informed upon the subject inquired of; that the comandante-general seemed to know all about it, but had given the government no information; that the knowledge of the government was confined to the movements of certain individuals, who could not be called troops for the reason that there were no troops properly speaking in the department, and that the movements referred to were set forth in the proclamation, a copy of which he had the honor to transmit with his note.

While, however, he had no official knowledge of Fremont's invasion and designs, Pico went on to say, he was still aware from what he had learned extra-officially that they imported a preparation for carrying out the aggressive intentions of the United States and that, in consequence of this knowledge, he had made an exposition of the state of affairs to the supreme government and a representation of the absolute necessity of succor. It would serve no purpose, he continued, to describe the interior condition of the department: that was already sufficiently well known; nor could the vice-consul himself be ignorant of the fact that Fremont had, with haughty indifference, committed a violation of the law of nations, deserving the severest punishment. In conclusion he would assure the vice-consul that he had not invoked, nor had he had occasion either to admit or reject, the protection of any foreign power over the department; and that he was neither aware of any declaration of war by the Mexican republic against the United States, nor of the existence of any treaty permitting the entry of an armed force from one into the territory of the other.<sup>1</sup>

On May 11, and while the two chiefs thus seemed to be acting in absolute independence of each other, Castro suddenly changed his tone and wrote a most urgent letter to Pico to join him at Monterey. He had just been informed, he said, that Fremont, who was supposed to have left the country, had returned with a great accession of armed strength and that the American flag had been seen flying in the neighborhood of Sonoma. It was information of too much importance to be treated with indifference. The territory was threatened in all parts; and, if a single

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<sup>1</sup> Cal. Archives, D. S. P. VIII, 423, 424.

one of the few moments that were left for adopting means of safety were neglected or lost, ruin was inevitable. Alas for him who could witness the danger of his country without feeling for it, or who could postpone attention to its unhappy circumstances on account of mere petty resentment, individual interest or personal consideration. Circumstances were such that the presence of the governor was absolutely necessary for concerting measures of defense; and, if he failed to respond, the comandante was unwilling to bear the responsibility of the result. As for himself and his own actions, they would be justified in the eyes of the world and of posterity. His contemporaries were witnesses of his efforts. These efforts had been manifold, repeated and reiterated. No one could charge him with coolness or indifference, nor asperse his memory. To deliver his country from foreign oppression, to die defending the national colors, which had cost the blood of so many illustrious patriots—such had been and always would be the object of his most ardent wishes. On the other hand, if the governor intended to persist in disregarding his call; if he was determined not to hasten forward with all the forces and arms which it was still possible to collect; if in fine he deemed it inconvenient to act in conjunction with the comandante for the defense of the country, he begged that positive information to that effect might be furnished him, in which case he would not again trouble his excellency with notes or messages or have occasion any further to employ his few men, every one of whom was needed for other purposes, as couriers and messengers.<sup>1</sup>

Manuel Castro, then prefect at Monterey, also wrote to Pico, urging him to lay aside any personal resentment he might feel and join the comandante-general for the preservation of Mexican independence. Every sacrifice should be made under the circumstances to act in conjunction with the comandante and for that purpose to meet him and make arrangements for co-operation. The comandante, as he had been informed, was willing to meet him with that object in view at San Luis Obispo; and it was, doubtless, the best practicable plan for bringing about a restoration and consolidation of the interior harmony of the department and preparing the way for resisting

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<sup>1</sup> Cal. Archives D. S. P. VII. 221-223.

the aggressions of the Anglo-American adventurers, who were closing around them.<sup>1</sup>

Pico, either on account of the information that Fremont was coming back and further news received about the same time from Vallejo that two thousand families from the United States were actually on their way and would arrive in California by the middle of July,<sup>2</sup> or on account of his knowledge of the weakness of the department, or, more probably, on account of all these reasons, combined also with suspicion against Castro, became, as it were, paralyzed for anything like action. Badgered on the one side and sorely bothered on the other, he hardly knew which way to turn. Nor was the departmental assembly able to afford him light or guidance in the dark labyrinth of difficulties, which were daily becoming more and more complicated and involved. The members of that body, as well as himself, vacillated. They had called a general convention of delegates from the different sections of the department to meet at Santa Barbara on June 15 and in effect take charge of the government and all its affairs. But on June 3 they changed their minds; passed an act postponing the proposed convention, and left everything, so far as they were concerned, in the same unsettled and indeterminate state as before.<sup>3</sup>

On June 8, five days after the postponement but before he heard of it, Castro again addressed Pico. He was then at his military head-quarters at Santa Clara. He said he had seen the abortive call for a convention. He had seen it with astonishment. It was an abomination. It was a libel. Was it possible that Mexicans could have been its authors? Was it possible that a body of men, calling themselves honorable, could have issued such a paper? They had invoked the sacred names of the country and of liberty, only to destroy the one as well as the other. O execrable profanation! O unheard-of perfidy! A plan so directly opposed to precedent and principle, so anti-constitutional—was it possible that it had received the sanction and approbation of a constitutional governor, who had placed his right hand upon the Holy Evangelists and sworn before the Savior of the world to guard and protect the institutions of the

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<sup>1</sup> Cal. Archives, D. S. P. Ben. P. & J. II, 439, 440.

<sup>2</sup> Cal. Archives, D. S. P. VII, 228.

<sup>3</sup> Cal. Archives, D. S. P. VII, 76-78.

department? O perjury! O sacrilege! It was to tear apart the bosom of the country under pretense of curing its evils—it was to violently destroy under pretext of saving and preserving!

Who had given authority to the assembly and to the government to call or create a convention of the people? Would not such a body be a mere club, a conventicle, as well reprobated by sound reason as contrary to the traditions and institutions of the country? What law except that of demagogueism, what maxim except that of Machiavelism, could justify such an unauthorized, such an unbridled abuse? As for himself, he trembled—he was horrified—to contemplate the existence of such a volcano, which, after consuming with its fierce lavas of passion, all guaranties public as well as private, the charter of the constitution, the most solemn compacts, the most sacred and inviolable rights and even sanctified liberty itself, would open and expose the measureless abyss of evil into which the authors of the plan would infallibly have plunged the commonwealth. As a Mexican citizen and as comandante-general of the department, whose duty it was to defend it against all attacks, he solemnly protested before God and the nation, against any attempt to call a convention as illegal, subversive of the laws, contrary to principles and anti-constitutional. He protested also in the name of the armed force under his command against any and all acts emanating from such a convention or from any committee or council appointed by it.

There was yet time, he continued, for the governor to exorcise and dissipate the baneful cloud that thus threatened desolation and, with his powerful influence in the assembly, to stay the impending ruin. There was yet time; and there was ample power in the assembly to dictate measures, adapted to actual circumstances, for the salvation of the country. This could easily be done without compromising the dignity of the assembly on the one side or of the people, whose interests were committed to its care, on the other. Never before was there so great a demand upon the departmental government to exercise the powers legitimately within its authority and jurisdiction for the preservation of its integrity and independence. The comandante hoped and trusted, therefore, that the governor would recognize his error, retrace his steps, and return to constitutional



order, thereby giving to the assembly an example for it to follow and to the nation a proof that an error, corrected as soon as its fatal tendency was known, was not a crime.

The most remarkable part of this remarkable document, however, was its conclusion. Castro said that he had given the governor repeated notice of the dangers to which the country was exposed, menaced as it was by a foreign invasion, and of the necessity of adopting measures for its defense. Yet, notwithstanding all this urging, he felt that he could not rely upon the co-operation of his excellency for the accomplishment of that sacred object. Finding, therefore, that upon himself, and upon himself alone, depended the integrity of the department as a part of the republic, he found himself under the absolute and imperative necessity of pronouncing the entire department in a state of siege and, in accordance with acknowledged usage throughout the world, of declaring martial law.<sup>1</sup> At the same time, but in another communication, he wrote that the stream of immigration of adventurers from the United States continued uninterrupted; that he had ordered recruiting and military preparations, and that he hoped the governor would facilitate the efforts of the military in those directions.<sup>2</sup>

Such, as indicated by their fulminations against each other, were the relative positions of the governor on the one side and the comandante-general on the other, and through them of the political and military divisions of the departmental government, when news arrived of the rising at Sonoma afterwards known as the bear-flag revolution. This news, which reached Yerba Buena on June 15 was simply to the effect that a body of about seventy Americans had taken possession of the military post at that place, made prisoners of Colonel Mariano Guadalupe Vallejo, the comandante, Lieutenant-colonel Victor Prudon, Captain Salvador Vallejo and Judge Jacob P. Leese, and seized all of Vallejo's horses. The only important additional particular communicated was that at the head of the movement were an individual called "the Sacramento doctor," and another with whom Salvador Vallejo had had a personal difficulty.<sup>3</sup> Soon afterwards it became known that the prisoners had been marched

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<sup>1</sup> Cal. Archives, D. S. P. VII, 79-82.

<sup>2</sup> Cal. Archives, D. S. P. VII, 229, 230.

<sup>3</sup> Cal. Archives, D. S. P. VII, 96.

off, under a strong guard, for the Feather river; and that Sonoma remained in the possession of the revolutionists.<sup>1</sup>

As the news ran southward, it created great excitement among the Californians. When it reached the camp at Santa Clara on June 16, Castro immediately issued a proclamation to his soldiers, reminding them that the arms they held in their hands were held in the name of the nation and to protect and defend the national flag, for which so many torrents of blood had already flowed. He doubted not, relying as he did upon their approved valor and patriotism, that they would enthusiastically march with him to break the fetters, with which the oppressor sought to enslave them. Liberty, independence, decency and honor—all called upon them for defense; and, as their friend and leader, he was ready to place himself at their head and offer himself a sacrifice for the country.<sup>2</sup> The next day he wrote to Pico that the greatest atrocity, which it was possible to imagine, had at length been consummated. The United States adventurers, who were nothing but pirates, had invaded the northern frontier and proclaimed the same principles with which they had robbed the Mexican nation of Texas. They had surprised and seized Sonoma and imprisoned its officers. This scandalous deed, the work evidently of the low and groveling policy of the American cabinet, was in his opinion only the beginning of a long series of hostilities. It was only an initiatory step in advance of the speedy arrival of large accessions of adventurers, who to the number of four or five thousand were ready to break into the department. It was clear, therefore, that the fears he had so long entertained of a foreign invasion and to which he had so often given expression, had been well grounded. Here was a realization of them. But not a moment was to be lost in vain reflections. The piteous cry of the country was calling for aid and succor. It was time to unite for the preservation of liberty and independence and to sacrifice upon their altars all resentment and all rancor. It was time to join in an eternal embrace of reconciliation and brotherhood. Now, and forever henceforth, union and independence should be their motto. In the name of the beloved country, therefore, he conjured the governor to forget the past and consign it to an everlasting oblivion;

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<sup>1</sup> Cal. Archives, D. S. P. VII, 102.

<sup>2</sup> Cal. Archives, D. S. P. VII, 234.

unite with him as the chief authority of the department; in conjunction with him convoke the people for the common defense, and together, placing themselves in the front, make head against the dangers that surrounded them.

Neither to himself, nor to his excellency, could he conceal the difficulties which presented themselves. There were a thousand obstacles to be overcome and immense and cruel sacrifices to be made. But there were duties also to be performed; and, as good Mexicans, they should not hesitate. The justice of their cause would animate their ardor. Even if fortune should be adverse, still they would bequeath a name free from reproach and opprobrium; nor would they be denied a page of honor in the history of their country. He therefore begged and prayed his excellency to join with him; adopt the proper measures of defense; call the people to arms; excite their valor and patriotism, and aid in repelling with strong hand the unjust usurpation which menaced the department.<sup>1</sup> And in another and separate letter, though written on the same day, he again urged Pico, in view of the seizure of Sonoma and the imperiled state of the country, that the time had arrived for both to lay aside their personal resentments, compose their differences, embrace like brothers and present a shining example of patriotism to all the inhabitants.<sup>2</sup>

On June 18, Castro, having thus called upon his soldiers and the governor, issued a proclamation to the people. He urged them that the defense of their liberty, of the true religion professed by their fathers and of independence required sacrifices. They should banish from their breasts all petty personal disagreements. They had but to open their eyes and ears to see families of innocent children fallen into the hands of their enemies, and to hear the fathers of those families crying aloud from their prisons for assistance. Their cause was just. Divine Providence would direct them in the path of glory. He and the little garrison, which he had already drawn around him, would be the first to pursue that path and they would be the first, if necessary, to sacrifice themselves.<sup>3</sup>

In the meanwhile Pico was on his march northward. He had started a few days before the news of the bear-flag revolution

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<sup>1</sup> Cal. Archives, D. S. P. VII, 235-238.

<sup>2</sup> Cal. Archives, D. S. P. VII, 431.

<sup>3</sup> Cal. Archives, D. S. P. VII, 239.

reached Los Angeles. Stirred up, as he appears to have finally been, by the missives of Castro and still more by the course which events seemed to be taking, he had at length resolved to march and wrestle with the disturbances of the north. He was deeply wounded, he said upon leaving Los Angeles, to behold the anarchical condition of the country; but it was some consolation, in his going forth to put down disorder, to feel that the capital, under the care of its officers and ayuntamiento, was in safe and trusty hands. Upon them, and their zeal and efficiency for the preservation of the public tranquillity, he could place reliance; and he implored them in the name of the nation to watch and guard and protect their charge. It was a time of peril; and it was at such a time that the country demanded the best blood of her true sons, upon whom she depended to liberate her from the danger and ignominy iniquitously prepared for her by her enemies.<sup>1</sup>

On June 21 Pico was at Santa Barbara; and that proved the limit of his northward march. He there learned from the captain of a British war vessel, in advance of the news from Sonoma, that Castro at the head of seventy men, after marching from his camp at Santa Clara to Monterey, had disappeared from the latter place, and no one knew what direction he had taken nor what his destination was. From this information, which he seems to have unhesitatingly accepted as true, and from the unspeakable suspicions which he harbored against the comandante, he appears to have conceived the idea that Castro had marched back into the Tulare country with the object of getting around to the rear and attacking the capital. This ought to be enough, he wrote to the departmental assembly at Los Angeles, to open the eyes of the public to the sinister designs of the comandante-general. Never, never could it be expected of such a person to establish order and peace in the department, and much less when it was known that he labored to destroy its institutions and its liberties.<sup>2</sup>

Having thus persuaded himself that Castro contemplated treason, Pico directed Abel Stearns, whom he had a few days previously appointed sub-prefect of Los Angeles,<sup>3</sup> to prepare the

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<sup>1</sup> Cal. Archives, D. S. P. Ang. XI, 894, 895.

<sup>2</sup> Cal. Archives, D. S. P. VIII, 383, 384.

<sup>3</sup> Cal. Archives, D. S. P. Ang. XI, 893.

people of that place to resist an attack, and gave notice that he himself in the meanwhile would defer his march northward and remain at Santa Barbara.<sup>1</sup> Stearns on his part, upon receiving Pico's message, immediately called the Los Angeles people together. They met in junta on June 22, and adopted a series of resolutions to the effect that society was threatened by Castro and that the proper means of defense should be taken against him. They accepted without question Pico's suspicions of the comandante's treason and were particularly moved to animosity against him on account of his announcement of the department as in a state of seige and his declaration of martial law—all of which constituted proof, as they claimed, of his intention to dispose of their lives and property as he pleased, and in fact to arbitrarily elevate himself into the position of an absolute dictator. And that there might be no doubt of their sincerity and earnestness, they all signed the record of the proceedings; and among them, besides such men as Manuel Requena, Francisco Figueroa, Narciso Botello, Jose Sepúlveda, Gil Ibarra, Juan Gallardo, Bernardo Yorba, Jose Salazar and Ignacio Palomares, were also many Americans and other foreigners, including John Temple, Julian Workman, Henry Dalton, Lemuel Carpenter, William Wolfskill, Richard S. Den, Jacob R. Snyder, Louis Jordan, B. D. Wilson and John Roland.<sup>2</sup>

It is very far from being a matter of credit to these men that they joined in this wholesale abuse of Castro. Though he may have committed grave errors, and undoubtedly did, he was sincerely devoted to the interests of the country and was willing to fight and if necessary shed his blood in its behalf. If they were unable to see this, they were wanting in intelligence; if they did see it but intentionally misrepresented his motives, they lacked honesty. As for the Americans who joined in the hue and cry, it is obvious that if their object was to widen the quarrel between Pico and Castro or between the political and military departments and thus aid their countrymen in the north, they could not have chosen a better plan of action. But there is no good reason to charge them with treachery such as this, far-sighted though it might have been. The fact seems to have been that they were all blinded by the bitter sectional feeling

<sup>1</sup> Cal. Archives, D. S. P. VII, 92-95; D. S. P. Ang. XI, 898-901.

<sup>2</sup> Cal. Archives, D. S. P. VII, 240-244.

that had so long existed between the so-called Monterey faction on the one side and the Los Angeles faction on the other. In the controversies they had had with each other, the most violent partisanship had been engendered. Mutual passions and mutual interests had bound the respective parties together into great unanimity among themselves. Castro at this time represented the one; Pico the other. In their altercations, hardly any charge was too atrocious to be made by one against the other. When, therefore, Castro held his junta at Monterey, the abuse of Pico was almost unlimited, and all the Monterey people joined in it; so when the Los Angeles junta came to act, the Los Angeles people retaliated against Castro with similar unanimity and only greater abuse. But Castro was doing the best he knew how in the field; while Pico, though expecting an attack upon the capital, was resting in security at a distance from the seat of danger.

The very next day after the meeting of the Los Angeles junta, the news of the bear-flag revolution reached Pico at Santa Barbara. He immediately wrote another letter to Los Angeles. In this he did not mention Castro at all. He had either learned better as to Castro's motives and movements or, in the presence of the greater danger from the attack of what he was pleased to call a horde of foreign bandits, he forgot the lesser danger of an attack on Los Angeles by Castro and his seventy soldiers. He now held very much the same kind of language that Castro had for many weeks been dinning into his ears against the designs of the Americans. He announced the country to be in a condition of positive and imminent danger, if not on the very brink of conquest by the foreign colonists; said that the time had come for every Mexican to fight for his liberty and if required to seal it with his blood, and called upon the members of the departmental assembly to meet without loss of time and adopt measures of salvation.<sup>1</sup>

On June 25, two days after the Los Angeles junta and on the first opportunity that presented itself, Castro, then on his march towards Sonoma, without knowing anything about or without paying any attention to the charges of conspiracy and treason that had been heaped upon his head, wrote to Pico an account

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<sup>1</sup> Cal. Archives, D. S. P. VII, 97-99; VIII, 385, 386.

and explanation of his movements. He said that as soon as he had heard of the atrocious attack by the foreign adventurers at Sonoma, he had not hesitated to put himself and troops immediately in motion, with the object of reaching and recovering the invaded point before the enemy could receive reinforcements. For this purpose he had proceeded to Monterey and invited the prefect to aid him with men and supplies, which that patriotic functionary had hastened to do; and that they together with their united forces, collected at great sacrifices and amounting to one hundred and sixty men, were on their way under favorable auspices and good prospects to retake Sonoma and punish the audacious invaders. He further said he had been informed that Fremont was on his march to protect the Sonoma rebels with four hundred riflemen; and in view of this fact he trusted that Pico, displaying his accustomed energy and patriotism, would fly to his assistance with all the reinforcements it was possible to collect. If it were not possible for him to come in person, he could still forward men and supplies, which were so necessary to insure success. And under any and all circumstances he begged him to issue such orders as might be requisite to prevent the paralyzation of the efforts he was making to protect and save the department; for it was undoubtedly apparent to his excellency that upon the military rested the burden of responsibility for the public defense. Again, with reiterated earnestness, he conjured the governor, in the name of the nation and of the supreme government, to make common cause with him in the service of the country against the common enemy. And he promised that, if by their means there should result the preservation of this precious part of the republic—to which it was the glory of both of them to belong—the name of his excellency should go down to future generations honored and immortalized!<sup>1</sup>

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<sup>1</sup> Cal. Archives, D. S. P. VII, 249, 250.

## CHAPTER VI.

### FREMONT.

**J**OHN CHARLES FREMONT was an officer of the United States topographical engineers. He had had the good fortune at an earlier period to acquire the love of Jessie, a talented daughter of Thomas H. Benton, United States senator from Missouri. Benton opposed his daughter's choice; but the young man was enterprising and the young lady determined; and the result was that they eloped and were married. Fremont thus became the husband of a bright woman and the son-in-law of one of the most able and influential statesmen of his day; and it was to these connections and the influences they exerted in his behalf that he owed his subsequent rise and the prominent positions he afterwards occupied.

Benton had always taken a great interest in the Pacific coast. He was not only a senator from the then most westerly state of the American union and therefore the nearest to those wide stretches of comparatively unoccupied lands inviting settlement; but he was a leading man among the representatives of the slave-holding power and as such interested in the extension of United States territory southward and southwestward. He was one of the first to cast his longing eyes upon California and to scheme for its acquisition. Though not alone in laboring for the accomplishment of this object, he knew all the moves that were made and that were to be made; and, with far-sighted intelligence, he perceived that the time was fast approaching when the country around the bay of San Francisco would one way or another be Americanized, and that there was a great future for an enterprising man who could be present and know how to take advantage of circumstances. His son-in-law was a young man, an active man, a dashing man, a man of endurance



as well as assurance, and, besides, a man of scholarly and scientific attainments. There were many defects in his character, among which was a lack of prudence; but in many respects he was the right kind of a man to send to California. He knew all about the intervening wilderness and its ways. He had already been engaged in explorations of it. In 1842 he had led a scientific expedition to the Rocky mountains and in 1843 and 1844 another to Oregon and California. In the latter year, after crossing the continent from Missouri by way of the Kansas, Snake and Columbia rivers to Fort Vancouver, he had struck out southeasterly in search of a reported lake, called the Mary's, said to be a few days' journey in the Great Basin, and a reported grand river, called the Buenaventura, said to flow westward from the Rocky mountains through the Great Basin and Sierra Nevada and empty into the bay of San Francisco. In January, 1844, passing southward along the eastern base of the Sierra Nevada, he had discovered and named Pyramid Lake; in February crossed the Sierra near Lake Tahoe, and in March reached the Sacramento river at New Helvetia. From there, he had traveled southward on the east side of the San Joaquin river and Tulare lake; crossed over to the Mohave desert, and thence traveled northeast, by the way of the Rio Virgen and Sevier river, to Utah lake, and thence eastward to Bent's Fort on the Arkansas river and thence on the Santa Fe trail back to Missouri. The reports of these two expeditions, which were very ably drawn, were published by the United States government; and, under the skillful management of Benton, Fremont acquired an almost world-wide reputation.

In May, 1845, a new United States expedition for the Pacific coast was organized and Fremont placed at the head of it as lieutenant-colonel. It professed to be of an exclusively scientific character and to have for its main object the discovery and exploration of a new and shorter route from the western base of the Rocky mountains to the mouth of the Columbia river. The orders of the war department were in this respect very guarded. No officer or soldier of the regular army was to accompany him. All appearance of either a political or a military mission was to be avoided. His whole force, therefore, which he engaged for himself, consisted, besides a few able assistants and a few trusty

Delaware Indians, of backwoodsmen and mountaineers who, though the surest shots and the best men in the world for the real purposes intended, appeared to be mere hunters and camp-providers.

The expedition, which numbered sixty-two men, reached California in January, 1846. Upon entering the Sacramento valley it camped; and Fremont proceeded alone to Monterey for the purpose of meeting the *comandante-general* and explaining to him the objects of his presence in the territory. He arrived there in the latter part of the month and, in company with Thomas O. Larkin, United States consul at Monterey, called on Castro and informed him that he was engaged in the scientific survey of a road to the Pacific; that the men he had brought with him were not soldiers but mere assistants, and that he desired to pass the remainder of the winter in California, with the intention of resuming his survey and proceeding to Oregon in the spring. It seems that Castro, though he may not have expressly assented, did not object to the proposition; and Fremont, having obtained funds and supplies from Larkin, returned to his camp; and a few weeks afterwards he moved with all his party to the grassy slopes of the Gabilan mountains about thirty miles eastward from Monterey and not far from the mission of San Juan Bautista.

In the meanwhile the supreme government at Mexico had begun to take express measures against the American immigration that had commenced to pour into the country. Santa Anna, before his fall, had issued a violent proclamation, ordering any and all citizens of a foreign state at peace with Mexico, who might thereafter be taken invading the territory of the republic with arms in their hands, to be shot down without quarter.<sup>1</sup> And in July, 1845, his successor, the new president, had issued instructions to the governor of California to the effect that the introduction into the department of American families from Missouri and the Columbia river was calculated to produce the most serious embarrassments and disorders, and directing that every means should be taken to put a stop to it.<sup>2</sup> In January, 1846, further instructions were issued to drive out the

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<sup>1</sup> Cal. Archives, D. S. P. VI, 239, 240.

<sup>2</sup> Cal. Archives, S. G. S. P. XVIII, 69, 70.

American families who had established themselves on the frontiers.<sup>1</sup> And, in addition to these general orders, it is said there were also special instructions to drive out Fremont and his party.<sup>2</sup>

It is a matter of some doubt whether Castro ever consented to Fremont's remaining in the country. It is also a matter of some doubt whether he ever received specific instructions to drive him out. But it is certain that both the supreme government and the departmental government, in so far as there was a departmental government, were very much afraid of the American immigration, and that this feeling was participated in by the Mexican population of California in general. Whatever may have been the reception of Fremont when he first arrived, he had not been long in the territory before a violent prejudice arose against him. There were several causes of this. One was that on his visit to Monterey in January he had stated that there were ten thousand Americans ready to start from Missouri for California in the following May;<sup>3</sup> and it was natural to connect him more or less directly with the threatened invasion. Another cause was a dispute in reference to some of the horses in the possession of Fremont's men, which it was claimed had been stolen from the Californians and which they refused to surrender. But the most immediate and exciting cause was a report that three of Fremont's men had offered violence to the daughters of Angel Castro, an uncle of the comandante-general, who lived near San Juan Bautista.

There does not appear to have been any truth in the report about stolen horses. Nor was there any truth in the report of violence offered to the daughters of Angel Castro.<sup>4</sup> But the Californians believed them;<sup>5</sup> and the feeling against the Americans became so strong that both Jose Castro, the comandante, and Manuel Castro, the prefect, wrote to Fremont, ordering him to leave the country immediately and adding that in case of refusal measures would be taken to compel him to do so. Fremont received these missives on March 3. His only reply was to move

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<sup>1</sup> Cal. Archives, S. G. S. P. XVIII, 273.

<sup>2</sup> Cutts' Conquest of California, Philadelphia, 1847, 148.

<sup>3</sup> Cal. Archives, D. S. P. VI, 365.

<sup>4</sup> Cutts, 147.

<sup>5</sup> Osio MS.

to a ridge of the Gabilan mountains at the back of the Alisal rancho; pitch his camp on the summit at a place called Hawk's Peak within full view of the Californians at San Juan Bautista; throw up a breast-work of logs, and defiantly hoist the American flag over his fortification.

There seems to be every reason to believe that Fremont's secret policy was to provoke the Californians to attack him or to take some other step against the Americans, which should furnish a pretext for war. It is difficult otherwise to account for the alarming report, which he spread on his first arrival at Monterey, that ten thousand Americans were on the point of coming to the country and taking possession of it. It is equally difficult otherwise to account for his bold and open defiance of the Californians from the heights of Gabilan. And, as will be seen further on, there were various other moves made by him contributing to strengthen the same view of his actions, which on any other supposition would have to be pronounced unreasonable and absurd.

But while Fremont was thus willing to be attacked, he had no desire to be annihilated. Castro gathered his men, about two hundred in number, at San Juan Bautista. Fremont with his field-glass saw them preparing their cannon and apparently getting ready for an assault. Larkin wrote warning him. Fremont wrote back that if unjustly attacked he and his men would fight to extremity and refuse quarter, trusting to their country to avenge their deaths. At the same time he deemed it proper to withdraw; and on the night of March 10, breaking up his camp, he marched off towards the Sacramento. The next morning John Gilroy was sent by Castro with a message offering an accommodation; but, upon reaching Hawk's Peak, he found it deserted though the fires were still burning, and only a lot of old tent-poles, useless pack-saddles and cast-off clothing which the Americans had thrown away.<sup>1</sup>

From his camp in the Gabilan mountains, Fremont and his party proceeded leisurely towards the Sacramento river and up the bank of that stream towards Oregon. Castro did not attempt to pursue; but issued his proclamation of March 13, already mentioned, in which he called Fremont and his party a

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<sup>1</sup> Cutts, 145-150.

band of highwaymen who had dared to raise the American flag and defy the authorities. On the other hand, Fremont himself wrote home that his sense of duty did not permit him to fight the Californians; but that he retired "slowly and growlingly." He further used the expression that he "did not dare to compromise the United States, against which appearances would have been strong."<sup>1</sup> In other words, his letters as well as his actions show that, while he was attempting to provoke an attack, he felt the necessity of seeming to be in the right.

In pursuance of his plan of operations, Fremont marched as far north as the neighborhood of Klamath lake with the avowed purpose of proceeding to Oregon and returning to the United States by way of the Upper Columbia river and Northern Pass of the Rocky mountains. When he reached the Klamath country, however, he found—according to the report he sent to Benton and which Benton published—that his progress was barred not only by snow but by the Klamath Indians. He even pretended that these Indians, whom the Californians had never seen and of whom they knew absolutely nothing, had been stirred up against him by Castro. But though it seems plain that this was a mere pretense, and that neither the snows of the Klamath region in the middle of May nor the Indians could have offered any very serious impediment to his march with such a party as he led, if he had really wished to go to Oregon, yet it seems certain that he had some trouble with the Klamath Indians; and it was sufficient to serve as an excuse for turning back. He and his party accordingly countermarched and returned to the neighborhood of what are now known as the Marysville Buttes, where they arrived and camped about the beginning of June.

The real cause of Fremont's sudden countermarch appears to have been the receipt of secret dispatches either from Benton or the war department at Washington. These were brought by Lieutenant Archibald H. Gillespie, who had come out by the way of Mexico and arrived at Monterey in the United States sloop-of-war Cyane on April 17, 1846. Not finding Fremont at Monterey, Gillespie had started in search of him and proceeded to Sutter's fort on the Sacramento. At that point, learning that Fremont and party were on their way to Oregon, he with five

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<sup>1</sup> Cutts, 151.

men followed on their trail as far as the head of the Sacramento valley, where, his horses being jaded and the Indians proving hostile, he fortified himself with four of his men and sent the fifth, named Samuel Neal, ahead to overtake Fremont. Neal had scarcely started when he was attacked by the Indians and ran great risk of being killed by their arrows. But, by dint of hard riding and firing his rifle and pistols to right and left, he managed to pass them, and after a long and laborious trip reached Fremont's camp, where he fell from his horse in a state of exhaustion and had barely strength to describe Gillespie's situation and danger. Fremont immediately called for his trustiest men and started on the back trail to relieve Gillespie, whom he reached at dusk. The Indians were apparently not aware of his arrival or the accession of force he brought with him. That night they attacked the camp; but they were met by much more deadly arms than their own and repulsed with loss. Their chief or leader alone continued to fight and did so with desperation, yelling aloud and dancing from side to side to escape the aim of the American rifles, while he discharged his arrows with the rapidity of thought. But at length he too was brought down; and the fight, as well as the danger, was over.<sup>1</sup>

What Gillespie's dispatches consisted of has not been divulged; but they were sufficient to induce Fremont to turn around at once and retrace his steps, as has been seen, to the Marysville Buttes. There he camped and there a most extraordinary series of strategical moves took place. In the above mentioned account which Benton published, it was stated that Fremont returned with the avowed purpose of "turning upon his pursuers, instantly fighting them without regard to numbers, and seeking safety for himself and party and the American settlers by overturning the Mexican government in California." It was also stated in the same account that on July 4, after the northern side of the bay of San Francisco had been cleared of the Californians, Fremont called the Americans together at Sonoma; addressed them; recommended a declaration of independence; and that independence was then and there declared, and war proclaimed.<sup>2</sup> It cannot be believed that a man of Benton's character would have intentionally so completely misrepresented

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<sup>1</sup> Cutts, 48-50.

<sup>2</sup> Cutts, 152, 153.

the facts. He must either have misunderstood the reports made to him, or been misinformed as to what really took place. There was no truth in either of the statements. On the contrary, when independence was declared Fremont was still assiduously pursuing his policy of provoking an attack and at the same time keeping up appearances.

A little book published in 1880, entitled "A Biographical Sketch of the Life of William B. Ide," who was the real head of the bear-flag party and the author of the declaration of independence at Sonoma, contains a rambling but evidently truthful letter by Ide himself in reference to the circumstances and gives many of the particulars of Fremont's proceedings at this period. Ide was a native of Massachusetts, born in 1796. He was a carpenter by trade; married in 1820; had six children, moved west in 1833; went first to Kentucky, thence to Ohio and thence to Illinois; and in 1845, with his wife and family, joined a train of about a hundred wagons and emigrated to the shores of the Pacific. His objective point on starting was Oregon; but on his way he changed his plans and headed for California. Towards the end of October, after much labor and difficulty in crossing the Sierra Nevada, he arrived at Sutter's fort; and, after roaming for a few weeks, built a cabin and settled down on the west bank of the Sacramento river in what is now Tehama county. From that place, in the spring of 1846, he moved down the west bank of the river into a new cabin in what is now Colusa county; and there he was on June 6 when Fremont established his camp at the Buttes near the mouth of the Rio de las Plumas or Feather river.

On June 8, Ide received a written notice to the effect that a body of Spaniards, two hundred and fifty in number, was on the way to the Sacramento valley destroying crops, burning houses and driving off cattle, and inviting every freeman in the valley to come to Fremont's camp immediately. The notice was not signed; but it was well understood from whom it came and what it meant; and it was also known that a similar notice was sent to all the Americans in the region round about. Ide immediately upon receiving it seized his arms; gave some hurried directions to his family; mounted a horse, and set off for Fremont's camp, where he arrived on June 10 at daybreak. He

there found a number of Americans and heard Fremont's plan of operations, which was that a dozen Americans who had nothing to lose but everything to gain should be selected to commit depredations upon Castro and the Californians; that they should make prisoners of some of the principal men in the country and thus provoke Castro to strike the first blow against the United States, and that they should seize horses enough to be enabled if necessary, after bringing on a war, to march back to the United States. The advantages to be derived from the plan were that, if the Californians could be provoked into attacking the forces of the United States, war would be sure to follow; and the certain result would be the conquest of California by the Americans. At the same time, if they had horses enough, all parties involved having the means of rapid locomotion could keep out of harm's way by marching back to the United States until it would be safe to return.

Ide says that Fremont rehearsed the plan to him, as they were sitting in Fremont's tent on the evening of June 10, and asked his opinion of it; and that he answered that it would be a long time before he would consent to join a set of irresponsible persons to first commit an outrage and then dishonorably run away and leave others to settle the difficulty and suffer the consequences. He further says that Fremont remonstrated against this reply and the reflection that there was anything dishonorable about his plan and then went on to observe that the American immigrants had received great indignities at the hands of Castro and would be justified in any measures they might adopt; but that, if they waited too long, they might find themselves in the position that Graham and his party had been in some years before. Ide rejoined that he meant no personal reflection; that Fremont as an officer of the United States was supposed to be acting in obedience to his instructions; but that he and his comrades, though outside the protection of the United States flag, still cherished the American name, and that their honor as Americans was dearer to them than any rewards of falsehood and treachery. Upon this, Fremont became exasperated and, hastily rising and exclaiming, "I will not suffer such language in my camp: it is disorganizing," left the tent.

There was at this time a band of some two hundred and fifty



Californian horses being conducted by an officer named Francisco de Arce and fourteen men from the north of the bay around by the way of the Sacramento valley to Castro's camp then at Santa Clara; and a party of twelve Americans under the lead of Ezekiel Merritt had already been ordered to go out for the purpose of seizing them. Soon after Fremont left his tent, as above stated, Lieutenant King made his appearance and, taking Ide and his companions to another tent, asked what they proposed to do in case the horses should be seized? They answered that if a breach were once made, as it would involve them all in its consequences, there would be no use considering the question as to its propriety. All that would remain to be done would be to widen the breach, so as to leave no one on the outside. They would make a rush for Sonoma and not think of flying the country or giving up while they had an arm to fight or a voice to cry for independence. The United States might have cause for war but that was nothing to them—they themselves had cause for war and blood too. King cried "Good" and ran out to repeat the sentiment. "Good! Hurrah for Independence!" shouted the whole camp. There was much excitement and great enthusiasm; and several of Fremont's men and among them the scout Kit Carson, according to Ide's statement, then and there asked for their discharge from the exploring expedition, so that they might join the movement for independence. But Fremont peremptorily refused his consent and stated that he was not at liberty to afford either aid or assistance or suffer any of his men to do so; that he needed all his force for his journey to the United States; that he did not ask any help from the immigrants; that he was able by himself to fight and whip Castro if he chose; but that he should not do so unless first attacked by him; and that in any event he would within two weeks at furthest be on his march homeward.

Scarcely were these statements made, when a cry was raised that the horses were coming; and soon afterwards Merritt and his party rode up with their booty. They reported that they had surprised the Californian guard and captured the whole band at the Cosumnes river; that after the capture they had for the sake of fair-play offered to give the Californians their arms and fight them, which offer however was declined; and that they

had then given to each Californian his arms and two horses, with a request that he should in return tell Castro, "if he wanted his horses, to come and take them." This conduct Fremont highly approved; and the horses, which were acknowledged to be the prizes of the captors, were turned over to the care of Fremont for safe keeping until such time as the further parts of the plan of provocation could be carried out.

The "breach" between the American immigrants and the Californians having thus been made, no time was lost in widening it. The next move was to seize the principal men at the military post of Sonoma. Though it was then midnight, a hurried consultation was held. The Californians, who had been in charge of the horses and who had been released, would doubtless spread intelligence of the rising of the Americans in every direction; and, unless the contemplated seizure were made at once and in advance of the intelligence, Sonoma might be alarmed and could not be taken by surprise. There was therefore no time to be lost. By sunrise, June 11, thirteen chosen men, Merritt and Ide among them, armed with rifles and pistols and mounted on fresh horses, started from Fremont's camp; crossed the Sacramento river at the mouth of the Feather, and made their way to Gordon's ranch on Cache creek. Gordon gave them a bullock, upon which they made their supper. Again mounting and making their way over the first range of mountains by night, they arrived the next day at Barnett's ranch. Barnett also gave them a bullock, which they killed and ate. In that neighborhood there were a number of newly-arrived American immigrants, and the remainder of the day was spent in gathering recruits amongst them. On the morning of June 13 the party consisted of thirty-two men; but a day had been lost in swelling the ranks. Some were for resting still longer and recruiting still more. Others, representing the dangers of delay, were for immediate action. The latter prevailed; and the whole party moved off, by a trail apart from the traveled road, with the object of reaching their destination unobserved and accomplishing their purpose before dawn the next morning.<sup>1</sup>

The recognized leader of the party at this time, in so far as it

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<sup>1</sup> Life of Ide, 112-121.

had a leader, was Merritt. He had come to the country in 1834. He was a hunter and trapper but ready to turn his hand to any occupation that presented itself. One of his last employments had been the quarrying and manufacture in the summer of 1845, in company with Peter Lassen and W. C. Moon, of a lot of grindstones on Stony creek near what is now the boundary line between Tehama and Colusa counties. When these were finished, the manufacturers carried them twenty miles on mules to the Sacramento river; loaded a canoe, and drifted with them down to Sutter's fort and the bay, peddling them out as they passed along.<sup>1</sup> In 1843, while he was pursuing his regular avocation of hunting and trapping in what is now Marin county, the United States sloop-of-war Cyane, Captain Stribling, ran into and for a short time lay at Saucelito for the purpose of refitting. While there a few of the sailors and among them a mulatto cook were allowed their liberty and a run on shore; but they became intoxicated and did not return by the time the vessel was ready to sail. Captain Stribling thereupon requested Comandante Vallejo to apprehend the runaways and deliver them to the next American ship-of-war that might touch at San Francisco. Vallejo sent his brother Salvador to make the arrests. The latter found the cook at Merritt's camp and, according to Merritt's statement, shot him down in cold blood and the soldiers he had with him ran their swords through his body. Merritt, being a witness of the transaction, called Salvador a murderer and declared that he would have him punished for his crime. Salvador angrily turned round, ordered him to shut up and struck him with a ramrod. In the presence of a squad of soldiers, Merritt could do nothing; but he vowed vengeance, and swore that, if he ever found an opportunity, he would slay Salvador on sight.

John Clar, the professor of mathematics on board the Cyane, who on account of his knowledge of the Spanish was employed as interpreter, was afterwards sent by Captain Stribling to Comandante Vallejo at Sonoma, demanding that Salvador should be tried for murder and punished unless he could make it appear that the homicide was justifiable. Vallejo answered that his brother was no murderer; that the mulatto

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<sup>1</sup> History of Monterey County, 43.

had seized arms and was about to use them when his brother shot him down, and that, seeing the wound to be mortal and to spare further suffering, he had ordered his men to finish him with their swords. This was all the satisfaction that could be obtained. But at the same time Vallejo was cautioned that, if justice were not done, the Americans in the country would take justice into their own hands.<sup>1</sup>

These facts and other causes of bitter feeling, not only on the part of Merritt but also on the part of some of the other Americans who were now on their way to Sonoma against the Vallejos, rendered it not impossible that vengeance might be taken then and there. If anything of that kind were done, it would frustrate the whole project upon which they were bound. It was therefore necessary to have a distinct understanding upon this subject. As a matter of precaution, a council was called and a solemn oath required of every one that no personal violence should be offered to any of the prisoners who might be taken. This preliminary being thus arranged, the Americans, while it was still dark, rode down into the Sonoma valley and surrounded the Californian settlement.

Sonoma at that time consisted of the mission of San Francisco Solano and a few adobe buildings surrounding an open space known as the plaza. The mission church and buildings, which were small in comparison with most of the other mission establishments, were situated at or near the northeast corner of the square. On the north, near the corner was a large building that had been used as quarters for soldiers, called the barracks. On the north side, west of the barracks and about opposite the middle of the square, Mariano Guadalupe Vallejo, the comandante of the post, had erected and occupied a commodious structure, being two stories high, with a tower two stories higher in the center. On the west side was the house of Salvador Vallejo; and at the southwest corner the house of Jacob P. Leese, in after times occupied as head-quarters by General Persifer F. Smith, Colonel Joe. Hooker, Major Phil. Kearney, Captains Stone and Stoneman, Lieutenants Derby, Davidson, Williamson and others known to fame. There were a few structures also on the east side, but they were small and inconsiderable.

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<sup>1</sup> Clar's MS.

There were no soldiers at the post and few Californians. The Vallejos and Leese lived there and also Victor Prudon, who had come up from Mexico with Hjar's colony in 1834 and was about the only one, at least in that neighborhood, that was left of the grand colonization project. There were also near the post or scattered around in the extensive jurisdiction north of San Francisco bay, Julio, Joaquin and Ramon Carrillo, Ignacio and Pablo Pacheco, Cayetano and Marcos Juarez, Manuel, Felipe and Lázaro Peña, Nazario and Francisco Berreyesa, Juan Miranda, Jose Higuera, Manuel Vaca, Rafael Garcia, Fernando Felis, Bartolo Bojorquez, Gregorio Briones, Juan N. Padilla and a few others. Of Americans there was a somewhat larger number; and others were beginning to crowd in. Besides Leese there were, of the old settlers, Cyrus Alexander at Russian river; Stephen Smith and a few others near Bodega, George C. Yount, Elias Barnett, Franklin Bedwell, E. A. Bale and a few others in Napa valley, William Gordon and Thomas M. Hardy on Cache creek, William Baldrige in Chiles valley, and William Knight on the Sacramento river opposite the mouth of the Feather. Besides these, there were scattered over the country north of the bay and in the Sacramento valley various others, some settled, others looking out for desirable locations, and still others engaged in pasturing stock, hunting and trapping or turning their hands to any employment that offered.

There were also several settlers of English, Scotch or Irish birth, among whom were William A. Richardson and John J. Read at or near Saucelito, Timothy Murphy at San Rafael and Mark West near what is now Santa Rosa; but they were not likely to take any active part in the controversy. Altogether the Americans north of the bay were considerably stronger than the Californians, not only in courage and enterprise but also in numbers; and it required only a display of determination and dash to seize and hold all that part of the country. The little party that had started from the Sacramento and picked up a few recruits on the way, consisting all told of but thirty-two men, and which now in the darkness surrounded Sonoma, though undisciplined and engaged in an ill-planned and ill-considered expedition, was fully equal to all the determination and dash that were required to successfully initiate the revolution.

At daybreak on June 14, after reconnoitering, posting sentinels and taking other precautionary measures, the main body proceeded to and surrounded Vallejo's house. Merritt accompanied by Doctor Robert Semple and William Knight, who was to act as interpreter, entered it for the purpose of securing the inmates. Vallejo was roused from his bed, as was also his brother Salvador; and both were informed that they were prisoners. Shortly afterwards Victor Prudon was arrested and brought in; and about the same time Jacob P. Leese, Vallejo's American brother-in-law, made his appearance, not as a prisoner but as a friend of the prisoners. After the first surprise was over and the prisoners, with the aid of Knight and Leese, were made to understand that no personal violence was to be offered, Vallejo ordered wine and aguardiente to be produced; and in a little while the company became lively.

While everything was thus merry on the inside of the house, those on the outside became impatient. They waited for the prisoners to be brought forth; but waited in vain. Presently a proposition was made to elect a captain from among their number and send him to see what was the matter. John Grigsby was chosen by acclamation and at once entered the house. But instead of reporting he joined the merry-making inside. There was another long pause. It began to grow irksome to sit on horseback and watch in ignorance. Patience became exhausted, and finally there was a general cry for Ide to go into the house and be sure to come out again and report what was going on. No sooner said than done. Ide entered; and, according to his account, he found Merritt with his head fallen, Knight no longer in condition to interpret, and Grigsby mute. Doctor Semple was working on a formal series of articles of capitulation. The bottles were empty. Ide picked up the articles; read them, and then reported to the crowd outside.

The articles of capitulation referred to merely amounted to a declaration, signed by Merritt, Semple, William Fallon and Samuel Kelsey, that they, in connection with others of their fellow citizens had resolved to establish a government upon republican principles; that they had taken up arms in support of it and had arrested the Vallejos and Prudon; that they had as yet not formed or published any regular plan of government;

but that it was their intention, in carrying out their plan, neither to injure any person not found in opposition to the cause, nor to take any property of any private individual further than might be necessary for their immediate support. On the other hand the Vallejos and Prudon, in a Spanish addendum over their signatures, declared that, having been surprised by an overpowering armed force and being absolutely defenseless, they acknowledged themselves, on assurances that they should be secure in their lives and property and those of their families and neighbors, to be prisoners of war and promised on their sacred word of honor not to take up or bear arms either for or against the cause represented by their captors.<sup>1</sup>

Upon Ide's report of what was going on, the crowd broke out into murmurs. Grigsby was called for, and a cry made that the prisoners should be immediately taken to the Sacramento valley. Grigsby, upon making his appearance, asked what were the orders of Fremont. No one could answer. No one could say that he had received any distinct orders of any kind. But Ide answered that the Americans had been treated with great indignity by the Californians; that they had been commanded on pain of death to leave the country, and that they had resolved to take the redress of their grievances into their own hands. Here Grigsby, who seems to have supposed he was acting under Fremont's orders and would have the United States to back him, exclaimed that he had been deceived; that he was unwilling to go any further; that he resigned and backed out of the scrape. He was going on to speak of taking his family back into the Sierra—when Dr. Semple led him back into the house.

A scene of wild confusion ensued. One man swore he would not remain. Another swore that they would all have their throats cut. Another called for fresh horses. There was a general move to abandon the enterprise and leave every man to look out for himself and get away the best way he could, when Ide cried out that he wanted no horse; that he was going to stay where he was; that he was not going to run like a coward without an enemy in sight; that he had commenced the work with honorable motives and was going to stick to it; that they all had to stick to it or be forever disgraced; that they

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<sup>1</sup> History of Sonoma County, 48.

had to succeed in what they had undertaken or else they would be nothing but robbers and horse-thieves. This speech, called forth by the intense excitement of the occasion, had a tremendous effect. It showed by a short, sudden, almost instantaneous stroke of unpremeditated eloquence the position in which the crowd had placed itself. If they were not conquerors, they were horse-thieves. The crowd, which was on the point of breaking up in ignominious flight, paused; they began to rally round Ide; they hailed him their commander. He replied by shouting: "Now, take the fort!" At the word—far as it had been from their design upon leaving the camp at the Buttes—the military post of Sonoma with eighteen prisoners, nine brass cannon, two hundred and fifty muskets and various other public property of the value of ten or twelve hundred dollars, was immediately seized, taken into possession and, as it proved, held by the American immigrants.

An entirely new party had thus sprung suddenly into existence with Ide as its head. Neither Merritt, Semple nor Grigsby can be said, properly speaking, to have belonged to it. They and seven others, who still adhered to the plan suggested by Fremont, soon mounted their horses and started back for the camp at the Buttes, carrying with them the two Vallejos and Prudon as their prisoners and Leese, who accompanied them as the prisoners' friend.<sup>1</sup> On the other hand Ide and his followers,

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<sup>1</sup>J. W. Revere reports that the Americans in charge of the prisoners were so careless on the first night out from Sonoma as to go to sleep without posting a guard or sentinel; that a party of Californians under the leadership of Juan N. Padilla surrounded the party and might easily have surprised and taken them all; that, instead of doing so, Padilla crept up stealthily and awoke one of the prisoners, stating that he had a strong force who could kill every American there, but before acting he awaited orders from Vallejo, whose rank and standing entitled him to command; and that Vallejo, upon being called so as not to awake the other sleepers, replied that he would go voluntarily with his guardians; that he anticipated a speedy and satisfactory settlement of the whole matter; that Padilla should return and disperse his band, and that he would not permit any violence to the Americans for the reason that he was certain it would lead to disastrous consequences and probably involve the California rancheros and their families in ruin, without accomplishing any permanent good result.

Revere adds that this story was told him, not by Vallejo, but by a person who was present. As, however, the individual who told the story, whoever he was, seems to have drawn very liberally upon his imagination, he may have been one of those who were asleep while Vallejo was delivering his speech.

The same individual also told Revere that Vallejo, when he was called out of bed and made a prisoner at Sonoma, asked to be informed of the objects and plans of the revolutionists and signified his readiness to collect and take command of a force of his countrymen in the cause of independence and act against all who might oppose him, at the same time adding that his devotion to that cause was too well known and



twenty-four in number, resolved to remain and began to busy themselves with securing their conquest.

As soon as Merritt and his party had gone off, leaving Ide and his companions in possession of Sonoma, the idea of a declaration of independence suggested itself to the latter. One of the first things needed was a flag. It did not take long to produce one. A piece of coarse white cotton cloth about two yards long by a yard wide, probably the material of an old sack or bag with the seams ripped, was procured and along the lower edge of it was sewed a narrow strip of red woolen stuff, said to be flannel or merino from the back of one of the men. A pot of red paint was found, and William Todd, an immigrant who had come from Illinois, offered himself as artist. The whole party seems to have assisted in choosing the design and doubtless stood by to see it executed on the canvas. First Todd painted a large single star and next it a small figure supposed, with some stretch of the imagination, to represent a grizzly bear. Underneath these figures in large Roman letters were painted the words "California Republic." The flag was then turned over and the same designs and letters painted on the other side. As soon as it was completed, it was run up on the flag-staff, where theretofore had floated only the Mexican colors. All took place on the same day, June 14, 1846; and such were the origin, composition and raising of the bear-flag of California.<sup>1</sup>

The next thing was to organize the forces. The men were divided into two companies of ten each, one of which took charge of the cannon and loaded them with grape and canister, while the other cleaned and loaded the muskets. Guards were posted. Rules of order and discipline were established, and a

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his opinions too often publicly expressed to leave room for doubt as to his integrity and sincerity, while his position in the community was a sufficient guaranty of his ability to perform all that he promised. But—so Revere's informant went on to say—the Americans thus addressed, being ignorant of the Spanish language, deeply imbued with prejudices against the Mexican race and not knowing the sterling qualities and unconcealed political opinions of their prisoner, were naturally suspicious of his good faith in thus professing a readiness to unite his fortunes with their own.—See Revere's "Tour of Duty in California," 65, 66.

<sup>1</sup> The original bear-flag was subsequently given to the Society of California Pioneers and deposited in their Hall at San Francisco. In after years it was frequently carried in procession on occasions of celebration and attracted much attention. The merits of the artist may be judged from an incident that took place on one of these occasions. Two street boys of the genus "hoodlum" were looking at the procession. One shouted to the other: "Hello, Bill, what's them comin' yonder?" "Don't you know what them is? Them's the Butchers and Drovers—don't you see the figur' of the stuffed pig?"

sort of account opened between the so-called government and those who furnished supplies. Ide being a temperance man, intoxicating drink was prohibited. Attention was then directed to the Californians who remained after the Vallejos had left and had been gathered together in one house. By the aid of an interpreter Ide made them a speech. He said that he and his men had no idea of either robbing them of their liberty, depriving them of a particle of their property, disturbing their social relations or interfering with their religion. The Americans wanted nothing but equal justice to all men. They, in common with the Californians themselves, were entitled to their rights; and they had been shamefully deprived of them by the Mexican authorities. The Californians too had been wronged by the same authorities. The missions had been robbed and the prosperity of the country destroyed. It was for these reasons that he and his men had taken up arms; and they pledged their lives to the overthrow of injustice, the establishment of equitable government and the defense of the common rights of all.

He went on further to assure the Californians that, although they had been deprived of their liberty, to which as just and good men they had a right, it was only temporarily and only for the purpose of making them acquainted with the objects which he and his party had in view. They now knew everything. Whether they approved or disapproved; whether they regarded the new-comers as friends or enemies, their liberty was restored to them, and they were free to go where they liked. If they chose to be enemies, he and his party would kill and destroy them; if friends, they would share with them all the blessings of liberty and all the privileges they themselves enjoyed. He and his party were few in number; but they were firm and determined. They were true men, and did not come to hold forth deceitful appearances or false promises. Whatever the Californians chose to do, they were free as the air of heaven. If they were willing to be friends, they were invited to assist in giving liberty to their country, to themselves and to their countrymen; if they wished to be enemies, they might go and prepare for battle. They would find him and his party ready to meet them at their own time and pleasure.

Ide says that his address was not a twentieth part interpreted;

but that the excitement and earnestness of the occasion gave such expression and meaning to everything he uttered that he would have been understood by any nationality under heaven. He further says that he had occasion, in the course of his remarks, to pronounce the name of Washington and that a glow of enthusiasm beamed in the eyes of the Californians at the mention of it. They even ran up and embraced him. In answer to his address, they assured him that they wished to be considered his friends; that they were ready to enter into a treaty of peace, and that the only condition they insisted on was that they should not be required to take up arms against their countrymen.<sup>1</sup>

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<sup>1</sup> Life of Ide, 123-134.

## CHAPTER VII.

### THE BEAR-FLAG REVOLUTION.

THE bear-flag movement, having thus been started without the knowledge of Fremont and as a matter of fact in opposition to his plans, developed without him. Though there had been a few words spoken by Ide at the camp at the Buttes about independence, there was no idea formed at that time of anything of the kind. The movement originated entirely in the circumstances which presented themselves at Sonoma after the arrest of the Vallejos and Prudon, and was as far from anything contemplated by Fremont as could well be imagined.

It cannot be said to have been a wise movement. Had it not been for the war which followed and which had in fact already commenced, though unknown in California, and the occupation of the country by the United States which took place a few weeks afterwards, it would doubtless have proved a very unwise movement. But whatever credit or discredit was due for it, was due exclusively to Ide and those who adhered to him. On the evening of June 14, finding themselves in full and undisturbed possession of Sonoma and it appearing that no immediate trouble was to be anticipated from the Californians, they began to discuss the propriety of issuing a proclamation or public declaration of their aims and objects. While many advocated such a course, others were opposed to it until their numbers should be increased to a force adequate to carry out their undertaking. But how were their forces to be increased, or who would come to their aid, unless their real purposes were known? Their enemies would represent them as nothing but robbers and rebels, and certainly no one would join them if they were to be so regarded. Was any assistance to be expected of Fremont, after he had taken the stand he had not to commit himself, and

after he had declared his intention, as soon as he could provoke hostilities, to march back to the United States?

Those who opposed a proclamation replied that Fremont, notwithstanding all protestations to the contrary, was actuated in making them by mere policy and would yet consent to become their leader. They therefore urged that the declaration should be deferred at least until Fremont, Dr. John Marsh or some other person of distinction, whose adherence would carry weight and strength, could be persuaded to join them. On the other hand it was rejoined that their flag, proclaiming the California Republic, was already flying. There were twenty-four of them who had consecrated themselves as victims, if necessary, to the god of equal rights. The only persons, who knew their designs, were the ten men who had fled to the protection of Fremont's camp, and the thirty or forty Californians in Sonoma who had agreed to join the movement. In order to maintain their cause and avoid the imputation of violence and crime, they would have to defy in open fight the Mexican forces, amounting to six hundred armed men; and, if they failed to represent their true character and the circumstances which compelled them to assume such an unusual position, they would be exposed to the unmingled scorn and contempt of all honorable men, whether Mexicans or Americans. Was it prudent then to delay a just representation to the public ear, and especially to the community around them, which had an equal right of representation in any system of government that might be established? Was it prudent to delay what it concerned every one to know, until the happening of an event which might otherwise never occur?

These latter views were advocated by Ide. He had been appointed commander-in-chief and invested by vote of his fellows with what they called "all the powers of the four departments of the government." This expression was used in an indefinite sense and evidently in ignorance of its real meaning. He neither himself supposed, nor did any of his men suppose, that he possessed despotic or dictatorial authority. Nevertheless he resolved "Jackson like," as he says, "to assume the responsibility" and, though some objected to the measure, to issue a proclamation. It was then late at night, and he could not for many hours have had much, if any, sleep. But he was in the

glow of enthusiasm. He sat down at one o'clock after midnight to draw the document and worked three hours. Though not a scholar, he had while living in Ohio, when his carpenter work was slack, taught a village school and picked up from the text-books and from newspapers a smattering of political literature. At four o'clock in the morning he had his paper finished.

The proclamation was addressed to all persons, inhabitants of the county of Sonoma and country around, requesting them to remain at peace and to pursue their rightful occupations without fear of molestation. As commander-in-chief he gave his inviolable pledge that no person, not bearing arms or instigating others to take up arms against him, should be disturbed in person, property, religion or social relations. The object of his movement was to defend his companions in arms and their wives and children. They had been invited to the country by a promise of lands on which to settle and of a republican government, but after their arrival had been denied the privilege even of buying or renting lands of their friends and, instead of being allowed participation in or protection by a republican government, had been oppressed by a military despotism. They had even been threatened, in proclamations by one of the principal officers of the Californian government, with extermination if they should not depart from the country, leave all their property including arms and cattle, and be thereby despoiled of the means either of defense or of flight and driven through deserts of hostile savages to certain death.

He declared it to be his purpose and the purpose of the brave men under his command to overthrow a government, which had robbed and destroyed the missions; which had appropriated the mission properties to the aggrandizement of favored individuals; which had violated good faith by treachery in the bestowment of public lands, and which had shamefully oppressed and ruined the laboring and producing inhabitants of California by enormous tariff exactions on imported goods. On the other hand, his object was to establish and perpetuate a just, liberal and honorable government, which should secure to all civil and religious liberty; insure security of life and property; detect and punish crime and injustice; encourage industry, virtue and literature; foster agriculture and manufactures, and guaran-

tee freedom to commerce. To accomplish these ends and for his hope of success, he relied upon the justice of his cause; the favor of Heaven; the wisdom and good sense of the people of California, and the bravery of those who were bound and associated with him by the principles of self-preservation, love of liberty and hatred of tyranny. And in conclusion he "further premised" that a government, to be prosperous and ameliorating in tendency, must originate among its people and that its officers should be the servants and its glory the common reward of its people.<sup>1</sup>

At the same time, he addressed a letter to Commodore Stockton of the United States navy, who was daily expected to arrive at San Francisco, informing him and through him the government of the United States and the world in general of what had been done; how they had been compelled in self-defense to appeal to arms; how they had possessed themselves of Sonoma and set up the flag of independence, and how they were determined, whether victorious or not, to approve themselves worthy at least of the sympathy of those who labored for the glory of the American name. There was no asking for aid or assistance. On the contrary Ide was thoroughly aware that, if the United States should interfere, he and his bear-flag party would be set aside and ignored. This was just what he did not want. He knew that the United States was determined to acquire, and would acquire, the country. But he wished the acquisition to come through himself. His object was to prevent the officers of the United States from committing what he called "an unwarrantable and inglorious interference" in his affairs or—to put it in plainer language than he chose to use—to prevent them from aspiring to share his glory and renown as conqueror of California. And, for the purpose of forestalling their intervention, he took occasion to promise, and to give timely notice of his promise, to embrace the earliest honorable opportunity to unite the fair land he had won or was about to win with the land that had given him birth.<sup>2</sup>

William Todd, the designer of the bear-flag, who proved to be no better an ambassador than an artist, undertook to carry the letter to San Francisco and deliver it to Stockton or, if he

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<sup>1</sup> Life of Ide, 135-140.

<sup>2</sup> Life of Ide, 141.

were not there, to the next highest officer in command of the United States navy. He was instructed to ask for nothing, as the letter contained all the business of his mission, but simply to take whatever, if anything, should be put into his hands and to make his way back by a different route from the one he should pursue in going thither. Todd left early on the morning of June 15; and, as soon as he was gone, Ide and such of the others as had education enough to write busied themselves in drawing up and copying articles of agreement and treaty stipulations for the support and recognition of their independence. The central idea of all their proceedings, though they studiously avoided using the name, was an imitation of Texas; and all they asked was to be left alone until such time as they might be ready to solicit, as an independent state, for annexation to the Union.

At the end of three days, Todd returned in company with Lieutenant John S. Missroon, who bore a letter and verbal dispatches from Commander John B. Montgomery of the United States sloop-of-war *Portsmouth*, then lying at Yerba Buena. Though Todd had been told to ask for nothing, he did nevertheless inquire of Montgomery whether any powder was to be sent. Montgomery therefore understood, and was justified in understanding, that Ide asked for powder. In fact Ide himself in his letter had stated that, though he had means to resist any attack that might be made with small arms, he had not powder enough to withstand an attack by cannon. The result was that Montgomery considered himself called upon for assistance and sent Missroon as his representative; and thus it happened that Ide and Todd, between them, managed to bring about the very intervention of United States officers which they supposed themselves endeavoring to prevent.

It was afterwards claimed by Ide that there was a large number of Americans, secretly organized on the south side of the bay of San Francisco, who were ready to rise and co-operate with him; and that, with their assistance, he could have annihilated Castro and his army and won the independence for which he was striving. It is indeed not impossible that there may have been among the American adventurers then in California some man of real ability, who might have brought the bear-flag revolution to a successful issue. But it is very certain that Ide



was not that man. Notwithstanding the vigor he had displayed in the start, it soon appeared that he was an essentially weak man, who had rushed inconsiderately into a dangerous movement and had by the force of circumstances been thrown to the top of it, but who was incapable of managing even his little garrison at Sonoma and much less of making the combinations, which would have been indispensable to present a respectable front to his enemies.

Montgomery, in the letter he sent to Ide, stated in substance that as an officer representing the United States he could not afford aid or assistance or furnish a single charge of powder; that he could not recognize the new party because it was the settled policy of the United States government to acknowledge only the authority that was in power; that he was, nevertheless, happy to learn that the new party proposed to secure the rights and peace of the people of Sonoma and the surrounding country; that he was in expectation of very important news from Mexico or the United States, and that in the meanwhile he had sent Lieutenant Missroon as his representative, who would make further explanations. Missroon supplemented the letter by saying that, while it was impossible for Montgomery to interfere in the revolution, yet, in the event of war with Mexico, he would supply any amount of ammunition; furnish men to serve on shore, and co-operate with his vessel to assist in the conquest of the country.

This was all that Missroon communicated to Ide at the time. But it is plain that he would never have been sent to Sonoma for that purpose alone. As soon as he got through with his talk with Ide, he went around and talked with the men and inquired into the condition of affairs. It did not strike him as in any respect promising. On the contrary, the more he looked into it, the more he felt satisfied the revolutionists had got themselves into a very disagreeable and very dangerous situation. If there should be no war, they would be in great peril. He made no secret of his reflections; and it was not long before Ide and his party began to realize the dangers to which they had exposed themselves. No sooner had the truth of their real situation flashed across their minds than they became terrified. Ide, as the leader, assumed a show of hope and courage. But he was

no less frightened than the others, and particularly when some of his despairing companions, in the anguish of their souls, accused him of deceiving them and involving them in a fatal rebellion. It was doubtless fortunate for him that Missroon was present when their eyes were opened. Otherwise, it is likely he would have been in more danger, or at least in more immediate danger, from his own men than from the Californians. But they all had unbounded confidence in Missroon as an officer of the United States; and Ide himself, in his ill-disguised fright, was very willing to seize the chance of a way out of his difficulty offered by Missroon's presence. He grasped at it as a drowning man grasps at the object nearest to him.<sup>1</sup>

Missroon might have done almost anything he pleased. He suddenly found himself the arbiter of the "bear-flag nation," as Ide had named his scanty following. Every man looked up to him and depended upon him. If he had been disposed to put himself at their head, every man, and Ide along with the others, would have followed him. But this, as an officer of the United States, he could not do. For a time he was uncertain what course to take. As he contemplated the possible results of the seizure of Sonoma by such a handful of men, who had evidently acted in ignorance of their danger, he became sad. But at the same time he saw no way of retracing the steps they had taken, even if he had wished it. While revolving the subject over in his mind, he noticed Ide nervously dangling a paper in his hands and, upon asking what it was, was answered, a copy of his proclamation. This paper, though it had been written as already stated, had not been published or submitted to the men. Ide had in fact not had sufficient control of his garrison to risk presenting it for their approval. Missroon asked to see it and, as he slowly read from paragraph to paragraph, Ide watched his countenance and, to use his own expression in afterwards describing the circumstance, "with horrid apprehension and indescribable anguish traced each kindling emotion in the mind of the lieutenant, as he slowly and carefully passed his eye to the end of it."

Exactly what Missroon thought of the proclamation is uncertain. But he quickly made up his mind to read it to the garri-

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<sup>1</sup> *Life of Ide*, 151-157.

son. His doing so was of course considered an approval of it. His supposed approval carried along with it the unqualified approval of all the men who heard it. A new spirit was at once infused into them. Despair gave way to renewed enthusiasm. Even those who had but a short time previously heaped opprobrium and abuse upon Ide by "damning him for a Mormon" and cursing him as "less deserving of respect than a dog," shouted and hurrahed. From this moment forward the revolution took a new start. Though Missroon held himself aloof and would take no open part, the mere fact of his presence and sympathy gave the movement a character and strength far beyond any it possessed before, and not only saved it from falling to pieces, as it unquestionably soon would have done if left to itself, but infused into it another life.

The first business under the new enthusiasm was to issue the proclamation and send it forth to do its work. A number of copies were made and a number of men detached to spread it. Some of the Californians of Sonoma also wrote letters in favor of the movement; and these were circulated in connection with the proclamation. But the fact that an officer of the United States navy was known to be a sympathizer and the supposition that the United States really stood at the back of the revolution did much more to bring in adherents and accessions than all the proclamations and letters in the world would have done. At the same time Castro himself, by his continual and violent proclamations in advance of his military operations, forced all the Americans to the north of San Francisco to organize and combine against him; and they naturally drifted to the nucleus of an opposing force presented by the bear-flag men of Sonoma.<sup>1</sup>

An act of inhuman cruelty on the part of the Californians was not wanting to convince the Americans of what they were to expect, if they fell into the hands of their enemies. On June 19, two young men, named Thomas Cowie and George Fowler, were sent to bring a keg of powder from Fitch's ranch near the present town of Healdsburg to Sonoma. They were intercepted by a party of Californians under Juan N. Padilla; lassoed; dragged; tied to trees; mutilated, and literally cut to pieces by their captors. The news of this outrage and the knowledge that there were numerous guerrilla parties bent upon the same kind of

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<sup>1</sup> Life of Ide, 157-165.

warfare, roaming about the country, compelled many of the settlers to move with their families to Sonoma for protection. Once there, the men could not avoid taking up arms; and by degrees the American forces, consisting of the original bear-flag revolutionists, the various volunteer parties who came in and the settlers who had their families with them, swelled to several hundred men.<sup>1</sup>

On June 23, William Todd, whose name has already been mentioned as the bear-flag artist and as Ide's ambassador to San Francisco, was captured by the Californians. It was feared he would share the fate of Cowie and Fowler. A party of nineteen Americans, under the lead of William Ford, was sent out to rescue him. It is said that the Californians numbered eighty-eight; and it is certain they were much more numerous than Ford's party. But by able management Ford succeeded in surprising them; driving them off; seizing their horses and bringing Todd back in triumph. Of all the original bear-flag men Ford probably was the only one of real military talent. This exploit of his not only gave him personal prominence but helped his party by showing that there was a genuine leader in it. Dr. Semple, who had refused to join the revolutionists on the seizure of Sonoma but who now came in, expressed a general feeling by saying that he had had no confidence in any of the men amongst them, but that, since the late exploit, he was willing to risk his life anywhere with such a man as Ford to lead the way.<sup>2</sup>

Up to this time, Fremont had remained in the Sacramento valley. His plan of capturing a few prominent Californians and thereby provoking an attack upon the United States had proved a failure. He had not calculated on the raising of the bear-flag and the declaration of independence by Ide and his party. Instead of being in any respect the author of that movement, he would have done anything to prevent such a project. It interfered with, and in fact defeated, his own project. The two Vallejos and Prudon were brought prisoners to his camp at the Buttes; but, instead of any attempt on the part of the Californians to rescue them as Fremont anticipated, Castro deemed the recapture of Sonoma and the putting down of the revolution started there as of much more importance.

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<sup>1</sup> Life of Ide, 63, 64, 167.

<sup>2</sup> Life of Ide, 169-174.

There was only one chance left for Fremont to accomplish his plan. This was that the bear-flag party at Sonoma should fall to pieces and leave the rescue of the prisoners as the only object for Castro to aim at. For several days this was expected. As Dr. Semple put it, no one had any confidence in Ide and his followers being able to maintain themselves. But by the fortunate blunder of Ide in sending Todd to San Francisco and thereby bringing to his aid the "vile interference" which he was endeavoring to prevent, a new complexion was given to affairs and the presence of Missroon saved the bear-flag party from going to destruction. Upon learning these facts or enough of them to convince him that he was foiled, Fremont broke up his camp at the Buttes and moved down to New Helvetia, of which Sutter yielded him immediate possession. As events had turned out, his prisoners were now rather a burden to him; but he threw them into the fort and put a guard over them.

The Californian force on the north side of the bay of San Francisco during these days consisted only of guerrilla parties. But it was known that Castro was making ready for an attack on Sonoma and was on his march. It was a part of Fremont's plan, notwithstanding the failure of his strategy, to be present if any attack were made. As soon therefore as he heard of Castro's preparations, he resolved to move down to Sonoma; and he was the more strengthened in this resolve by a confidential letter which he received from Ford of the bear-flag party, stating that the men at Sonoma had no confidence in Ide's ability to manage affairs and begging him to move his camp to their immediate neighborhood. Thus urged, he on June 23 hurriedly broke up at Sutter's fort, leaving his prisoners there, and with a force of seventy-two mounted riflemen hastened to Sonoma, a distance of about eighty miles, where he arrived on June 25.

Ide relates that Fremont, when he first met him on this occasion, without any salutation, exclaimed in a haughty and censorious tone, "Who wrote that proclamation for you?" No answer being returned, he exclaimed, "Hah! your name was to it!" and, turning on his heel, went off as abruptly as he came. But this petulant fit did not last long. It was a mistake, and Fremont himself almost immediately afterwards saw that it was a mistake. Whether he bethought himself of Touchstone's wise

maxim of being "smooth with mine enemy" or no, he seems to have practiced on it. In a very few minutes, he returned and, in the most civil and graceful manner, said to Ide that he was happy to see that the proclamation was all that could have been wished; that every word of it was just as he would have had it, as far as it went; that in style of diction it would compare favorably with the work of the best writers in the United States, and that Ide had done himself immortal honor in drawing it. There was but one thing to be regretted and that was, that the insult and abuse, which he himself had received from Castro, had not been made a part of the grievances set forth as having been suffered by the Americans. And he hoped, if any other manifestato or proclamation were issued, that the justice would be done him to include those insults. This change of tone touched Ide in a very weak spot and captured him entirely. He had all along imagined he had performed a very extraordinary feat in drawing his proclamation, and now he felt certain of it. He promised on the next occasion not to forget Fremont. Ill feeling, jealousy, every base passion was thrown to the winds. They were now sworn brothers. They parted with the most unbounded professions of mutual friendship for each other.

On June 26 it was determined to act on the offensive. Castro was still in the neighborhood of Santa Clara; but there were seventy or eighty guerrillas on the north side of the bay; and it was deemed important not only to punish them for the murder of Cowie and Fowler, but also to prevent them from joining Castro if he should make his appearance. There were at this time over two hundred armed Americans at Sonoma, including Fremont's seventy-two. Fremont, however, still professed not to be at liberty to take any part in the fight and insisted that he had only come to see the sport and, as he expressed it, to "explore in the neighborhood of the bay." Under the circumstances, some sixty men were chosen and placed under the command of Ford to march against the guerrillas; and, when they started out, Fremont and his men marched with them, making in all a force of about a hundred and thirty-five.

About this time Joaquin de la Torre, who was captain of the first division of Castro's forces, joined and took command of the Californians on the north of the bay. As has been stated, they

were acting as guerrilla parties. De la Torre collected them in the Santa Rosa valley and marched towards San Rafael. They were closely pursued by Ford. On one occasion a skirmish took place and several of the Californians were killed. The pursuit became so hot that the Californians were compelled to resort to strategy. They next caused a letter to fall into the hands of the garrison at Sonoma, giving information that Castro had crossed the bay and would attack that place on June 30. The object was to compel the recall of Ford and his men. But this part of the plan failed, as Ide issued no orders of recall and Ford still pursued. They next caused similar letters to be prepared and put in the boots of three of their number, who allowed themselves to be captured. The object this time was to induce the pursuers to hasten back for the protection of Sonoma of their own accord. The plan now succeeded and sent Fremont as well as Ford hurrying back to Sonoma. But the three captured Californians paid dearly for their devotion. Though they threw away their arms, fell on their knees and begged for quarter, they were immediately shot; and it is said that Kit Carson afterwards claimed credit for the slaughter as retaliation for the murder of Cowie and Fowler. The three Californians were Jose Reyes Berreyesa, a retired sergeant of the presidio of San Francisco, and Ramon and Francisco, twin sons of Francisco de Haro of the Mission Dolores.

Ide says that the strategetical letter dropped at Sonoma announced Castro's intention in attacking that place to be the putting to death of every soul found within its limits without distinction of age or sex. There was to be but one single exception and that was to be the "oso grande," or great bear, by which expression it was understood Ide himself was meant. Instead of being killed outright, he was to be chained, carried to the other side of the bay and there worried and tormented like a beast for the amusement of the Californian women and children. Preposterous as all this was, it still seems to have been believed. It created a panic. All the Californians requested to be allowed to leave the place. But this request Ide positively refused. The Americans, either because they were not so faint-hearted or because they could do nothing better, began to prepare for the worst. The women and children, both Californians

and Americans, were all congregated in the rear part of Vallejo's house, which was supposed to be the safest spot that could be selected for them; and the Californian men were allowed to take shelter in the calaboose or prison. The American men, as the night came on, got ready for the attack. Two eighteen-pounder cannon, doubly charged with canister-shot, were run out to guard the main entrance; seven other pieces of artillery were made ready for use at short notice wherever required; two hundred and fifty muskets were loaded, divided among the men and placed within reach; the rifles were all freshly capped; sentinels were placed; linstocks were lighted; and the "old man," as Ide was called, the sound of whose rifle was to be the signal for the cannon to open, stepped out to reconnoiter.

The night was a long and anxious one. It was dark and little could be seen; but ears were strained to their utmost tension. Every noise, even the ordinary and usual voices of the night, created alarms. But hour after hour passed and the murderous foe did not come. At length, between three and four o'clock in the morning and just about the time when a very stealthy enemy might be expected to approach, the advanced sentinels announced the trampling of horses in the distance. Every man took his position; and the orders for firing were repeated, so there might be no mistake and no confusion. As it was expected that a sudden charge would be made, each man was to be ready, without fail, at the signal. The men at the cannon examined the priming and then seized their linstocks and saw that they were well lighted. It was all the work of a moment—and then all was silence again amongst them.

But the sound of the trampling horses became more and more distinct. Every one could hear them approaching. At last they could be seen, but only as a dark moving mass. Ide says the truth flashed across his mind in a moment. He repeated his orders not to fire until his rifle gave the signal; and then, to satisfy himself, he advanced a hundred yards. A dozen voices cried, "Come back! you'll lose your life!" But Captain John Grigsby, who seems to have taken in the situation still more completely than Ide, roared out, "Silence! I have seen the old man in a bull-pen before to-day!" By this time the approaching forces were within three hundred yards. The men at the



guns, who were swinging their linstocks to keep them in a glow, were getting nervous. Ide, suddenly relieved of a great strain and for the moment speechless, made a motion to lay down his rifle. At the same time the well-known voice of Kit Carson, in front of the on-coiners, was heard exclaiming, "My God! they're swinging the matches!" The next moment the shout, "'Tis Fremont, 'tis Fremont!" broke out from one end of the garrison to the other. And the next moment Fremont himself dashed up on a full gallop.

Upon comparing notes, both Ide and Fremont found themselves outwitted by the wily De la Torre. As a matter of fact Castro had not crossed the bay and was not going to do so. The Americans at Sonoma augmented by Fremont were too strong for him. Meanwhile De la Torre continued his retreat to San Rafael and thence to the neighborhood of Saucelito. Ford and his party, finding Sonoma safe, immediately turned round and again started in pursuit. But they arrived at San Rafael only in time to witness De la Torre's embarkation and see him and his men safely land on the opposite shore of the bay, apparently at San Pablo, without the means of overtaking them.<sup>1</sup>

It happened at the time that the American bark *Moscow*, Captain William D. Phelps, was lying near Saucelito. Phelps, being aware of the hunt after the Californians, had secured his boats to prevent them falling into the hands of the fugitives. But there was a launch anchored at some distance from shore; and during the night, much to Phelps' surprise, the Californians managed to get hold of it and thus effect their escape. As soon as he became aware that they had taken the launch, he sent word to Commander Montgomery of the *Portsmouth* to intercept and capture them; but Montgomery replied that, not having as yet received any official notice of the existence of war, he could not act in the matter.

When the pursuers came up and ascertained that the game was beyond reach, they stopped a short time to rest before setting out on their return to Sonoma. Phelps visited their camp and was astonished to find the bear-flag worthies and even Fremont's corps so rough-looking a set of men. He found "a tall, lank, Kentucky-looking chap, dressed in a greasy deer-skin

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<sup>1</sup> *Life of Ide*, 64, 175-190.

hunting-shirt with trousers to match, which terminated just below the knees, and his head surmounted by a coon-skin cap, tail in front," whom he took to be an officer as he was giving orders to the men; but on inquiry it proved to be Doctor Semple. He then asked for Captain Fremont, of whom he had heard much and whom he had a curiosity to see, and was pointed out "a slender-made, well proportioned man, sitting in front of a tent. His dress was a blue woolen shirt of somewhat novel style, open at the neck, trimmed with white, and with a star on each point of the collar (a man-of-war man's shirt); over this a deer-skin hunting shirt, trimmed and fringed, which had evidently seen hard times." His head was "uncumbered by hat or cap but had a light cotton handkerchief bound around it; and deer-skin moccasins completed the suit, which, if not fashionable for Broadway or for a presentation dress at court," struck Phelps as "being an excellent rig to scud under a fight in."<sup>1</sup> Such being the dress of the leaders, it may easily be imagined what the bear-flag men looked like as a class. It is not probable that they would have taken any medals at a parade; but they had true courage in them.

The bear-flag revolution, as an independent movement, had now reached its zenith. On July 1, Ide, who still claimed to be and nominally was commander-in-chief, wished to send a hundred muskets in charge of twelve men to San Francisco for the purpose of arming a company of Americans on the south side of the bay and thus spreading the bear-flag party. The project, however, was opposed by Fremont, Missroon and others. Their opposition frustrated it. Ide in fact had no personal following and was powerless. He still clung to the delusive idea that he had a republic of his own, entirely independent of the United States; and he insisted on its being treated with as a separate sovereignty, which had conquered and replaced the Mexican government of California. But in this notion he was alone. Nevertheless, it seemed likely that he might give trouble; and it was determined to depose him and at the same time to abolish and destroy the bear-flag movement altogether. For this purpose a convention of all Americans in Sonoma was called by Fremont for July 5; and on that day accordingly it met.

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<sup>1</sup> Munro-Fraser's History of Sonoma County, 116, 117.

There were at this time present Fremont and his seventy-two men, eight or ten navy officers from United States vessels lying at San Francisco and about two hundred and eighty American settlers, including Ide and the bear-flag men proper. The settlers assembled in a large hall, Fremont and his party and the navy officers in an adjoining apartment. A soldier was stationed as door-keeper between the two. Fremont opened the business by appearing with several of the navy officers and declaring that as a representative of the United States, he could not interfere in Californian politics or attack the government; but that he was resolved to pursue and conquer Castro, whom he denounced as a usurper and charged with having wantonly attacked and insulted him. He said that he intended, after capturing Castro, to take him to the United States. He insisted, on account of the first attack having been made by Castro, that his meditated enterprise and expedition could not be considered a violation of the amicable relations existing between the United States and Mexico. He then invited the convention to join and make common cause with him; and, in return, he pledged them his unswerving support of their independence; offered them every facility in the way of stores and provisions, which his well-supplied camp and the United States commissariat afforded, and tendered his counsel and advice in conducting military operations. It was absolutely necessary to success, he concluded, that there should be proper officers to conduct the undertaking, which promised to become a brilliant example for the oppressed throughout the world, and that implicit and unconditional obedience should be rendered to them.

When Fremont finished, he bowed in an interrogatory manner to Ide. The latter, thus invited, rose and replied that he believed the proceedings of the men of Sonoma had been in every respect honorable and unimpeachable and had won the esteem and confidence even of many of their enemies. He believed no one present would attempt to say that their conduct in the past was not a sufficient guarantee for their conduct in the future. But it was plain that there was a want of confidence in himself as commander. His well-devised plans had been frustrated. He had very recently suffered defeat in a move, which he considered of great importance. Through disobedience of his

orders, the enemy, which would otherwise have certainly been overthrown, was allowed to escape. In the same way, the rising and arming of friends on the south side of the bay had been foiled and their leaders seized and made prisoners. Under such circumstances, nothing could be done. It was necessary that there should be harmony and combined effort and that those in command should have the confidence and obedience of the body. And inasmuch as Captain Frémont suggested pledges, calculated to give confidence and bind the whole people closely and firmly together for the accomplishment of the declared objects of the revolution, he proposed that a committee should be appointed to draft a solemn pledge, and that every man should be required to subscribe it before he should be allowed to further participate in the honors or perils attendant upon the establishment of such a system of government as should secure to all the full enjoyment of rational liberty.

The proposition, being submitted to vote, immediately prevailed; and Ide was forthwith appointed a committee of one to draw the pledge. This, however, did not suit Fremont and his party in the next room. They suggested that a committee of one was not sufficient for so important a business and proposed that two other members should be added. This proposition also prevailed; and the additional members were selected from Fremont's company. Ide probably did not at first understand the purpose of increasing the committee. But he soon found it out. Scarcely had they retired to consult, when the majority of two proposed that everything done by the bear-flag party should be annulled and set aside and that the era of the independence of California should be considered as commencing with the command of Captain Fremont. Ide of course was opposed to anything of the kind. He was, however, overruled; and all he could do was to vote in the negative and present a minority report.

It did not take long to finish the business. The majority report, which seems to have been concocted and prepared in advance, assumed to go far beyond the matter referred. It proposed three articles: First, that everything done in California with a view to independence previous to July 5, should be annulled and wiped out; secondly, that Captain Fremont was to

be the leader of the independence of California and regarded as beginning with the beginning; and thirdly, that there should be a new organization throughout. To these was added a pledge to the support and maintenance of the principles enunciated and of the new administration contemplated. The minority report, on the contrary, was a simple statement in accordance with the truth of history and without any attempt at prevarication or falsification.

When the committee came to report to the convention, the majority claimed the right to present their own side. But Ide insisted that as chairman it was his privilege to present both sides; and the majority yielded. Ide thereupon made a fair and impartial statement of the action of the committee and presented both reports. There was no necessity for discussion. The majority report was immediately adopted; and the so-called bear-flag revolution was substantially at an end.<sup>1</sup> Two days afterwards the American flag was raised at Monterey; and, as soon as the news reached Sonoma, the bear-flag was hauled down and the stars and stripes run up in its place.

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<sup>1</sup> Life of Ide, 191-205.

## CHAPTER VIII.

### RAISING OF THE AMERICAN FLAG.

THE war between the United States and Mexico, which had been so long and so confidently looked forward to, had at length broken out. It was the outcome of a long series of preceding events. It is usual to say that it was caused by the Texas revolution or by the annexation, which followed the Texas revolution. But this language is not strictly correct. Historical events are rather developed or evolved than caused. They grow out of other events that precede them and depend for their growth upon the environment of surrounding circumstances. The Texas revolution and the annexation were simply stages in a long series of important events leading up to the war and resulting in the conquest, which gave California a new life and placed it in the forefront of American progress.

Very soon after the ratification of the so-called Florida Treaty of 1819, which established the boundary between the United States and Spain, an American named Moses Austin conceived the project of establishing a colony in Texas. In 1821 he obtained permission from the Spanish authorities of the country to introduce three hundred families of foreigners. Before any further important step was taken he died; but in the early part of 1823, after the independence of Mexico, the rights and privileges conferred upon him were renewed in favor of his son, Stephen F. Austin; and soon afterwards the latter proceeded to carry out his father's plans and founded the contemplated colony. In 1824, when Mexico adopted its federal constitution of that year, Texas and Coahuila were erected into a state and authorized to carry on their own internal administration; and, in the exercise of these powers, they adopted liberal colonization laws of a special or state character, in addition to the general

laws upon the same subject passed by the Mexican congress. The result was that a large number of American families flocked to Texas—so many in fact that the Mexican government became alarmed; and in 1830 an attempt was made to restrict further immigration.

This attempt necessitated the establishment of various new military posts and the sending of numerous soldiers to Texas, between whom and the settlers various difficulties and some fighting occurred. But it was not until 1835, when the centralist faction succeeded in overthrowing the federal constitution of 1824, that matters reached a crisis. Several of the northern States rose in revolt and became the theater of struggle and bloodshed; but they were all finally reduced with the exception of the Americans in Texas. These combined; declared their independence, and made their resistance against the Mexican army under Santa Anna effectual. Various sanguinary encounters took place; the fiercest passions were aroused; scenes of carnage and butchery were presented; inhuman atrocities were frequent. Finally on April 21, 1836, at San Jacinto, the Mexican army was entirely defeated by the Texas Americans under Houston; Santa Anna himself was taken prisoner; and the power of Mexico over Texas was totally and forever destroyed.

There had been several attempts on the part of the Texans to effect annexation with the United States; but they had failed. Notwithstanding the sympathy that was naturally felt in the United States for the struggling Americans, neither President Jackson nor President Van Buren was willing to violate the faith of existing treaties or the sanctions of the laws of nations by interfering with the right of Mexico to reconquer the revolted state. Texas, therefore, to maintain its independence, was obliged to establish a government of its own and assume a place among nations as a separate and independent sovereignty; and as such it was in the course of a few years, after exhibiting its ability to sustain itself, recognized by the United States, England and France. The new state or republic of Texas, as it was called, advanced rapidly; and, in good order, peace and prosperity, it presented a marked contrast to the neighboring Mexican departments. But Mexico still refused to recognize its independence. After Santa Anna had been taken prisoner at

San Jacinto, he had purchased his release by a promise to use his best endeavors to secure such recognition. He was accordingly given his liberty and returned home through the United States, which treated him with distinguished honors. But upon his arrival in Mexico, he either found that the popular feeling against the Texans was too strong to accomplish his promise or, as is more likely, that it was his interest that there should be no recognition; and none took place. On the contrary, in his adroit hands, the bitter popular enmity against Texas was fomented and utilized as a powerful engine of partisan strength in his struggle to regain power.

In 1844, eight years after Texas had established its independence, which however was still unrecognized by Mexico, it entered into a treaty for annexation with the United States; and in March, 1845, the American congress having adopted a joint resolution for carrying the treaty into effect, Texas was formally annexed as an integral part of the American union. The Mexican minister at Washington protested against the measure as an act of unparalleled injustice and aggression on the part of the United States against Mexico; and in a very short time, as was to have been anticipated and as was in fact on every hand expected, the two countries were embroiled, and war became inevitable. A specious show of a desire to preserve peace was made on the part of the United States by sending John Slidell of Louisiana to Mexico as envoy extraordinary and minister plenipotentiary with instructions to negotiate a compromise and settlement; but the Mexican authorities, who had just been carried into office on the political issue of hostility to the United States, refused to treat with him or entertain any of his propositions.

In January, 1846, General Zachary Taylor of the United States army, then stationed with a small body of regular troops at Corpus Christi in Texas, was ordered to move his troops to the mouth of the Rio Grande. He did so in March and in the latter part of the month occupied a post and built a fort on the east bank of that river opposite the Mexican city of Matamoras. He had been instructed to refrain from any act of aggression; but the Mexicans, besides their claim to Texas itself, insisted that its boundaries did not extend to the Rio Grande and, con-



sidering Taylor's presence at that point in itself an act of aggression, attacked his scouting parties. On April 24 one of these parties under Captain Thornton was surrounded and, after a fight in which a number were killed, was forced to surrender. This was the beginning of actual hostilities and the first blood spilled in the conflict. On May 13, as soon as the news reached Washington, war was declared against Mexico; and congress, which was then in session, appropriated ten millions of dollars and ordered fifty thousand volunteer troops to be raised for the purpose of carrying it on. Among other measures it directed that an "army of the west" should be formed at Fort Leavenworth on the Missouri river, which was to march thence to New Mexico and, after conquering that portion of the Mexican domain, proceed to the Pacific and conquer California; that an "army of the center" was to assemble at San Antonio in Texas and thence march upon Coahuila and Chihuahua; that General Taylor, after being properly reinforced, was to proceed as directly as practicable towards the Mexican capital, and that the naval forces, as well those on the Pacific as those on the Atlantic coast, should co-operate with the land forces in harassing the enemy and by all means in their power assist in subjugating and conquering Mexican territory.

Meanwhile General Taylor, having fallen back to the mouth of the Rio Grande and there received a few reinforcements, on May 7 again set out for the fort opposite Matamoras. On his way he met the Mexican forces under General Arista, who had crossed the river and posted themselves on the road at a place called Palo Alto. There, on the afternoon of May 8, the first regular battle of the war was fought between twenty-three hundred Americans and about three times as many Mexicans. It lasted from about 2 o'clock in the afternoon until evening, when the Mexicans withdrew and took up another position at Resaca de la Palma. At the latter place a second battle was fought on May 9, which resulted in the defeat and flight of the Mexicans. Taylor then marched to and relieved the fort, which had been bombarded from across the river; and on May 18 he crossed and took possession of Matamoras on undisputed Mexican soil. Thus the war was fully inaugurated.

The United States naval forces in the North Pacific consisted

of the frigates *Savannah* of fifty-two guns, Congress of fifty-two guns and Constitution of fifty guns, and the sloops-of-war *Warren* of twenty-four guns, and *Portsmouth*, *Levant* and *Cyane*, each of twenty-two guns, making a total of two hundred and forty-four guns and twenty-two hundred and ten officers and men. They were scattered at different points on the west coast of Mexico and California; but all were within easy call; all aware that their services might be demanded at any moment; and it was thoroughly well understood amongst them that, when the call should be made, there was to be no delay in responding to it.

The commander of the Pacific squadron was Commodore John D. Sloat. He was on board the *Savannah*, then lying at Mazatlan. He had received his instructions in a secret and confidential letter, written in June, 1845, by George Bancroft, secretary of the navy at Washington. Bancroft called his especial attention to the aspect of relations between the United States and Mexico; said that it was the earnest desire of the United States to pursue a policy of peace, and directed him to be assiduously careful to avoid doing anything that could be construed into an act of aggression. But, at the same time, if Mexico should be bent upon war and commit acts of hostility, he should immediately employ the force under his command to the best advantage; and one of his first acts should be to possess himself of the port of San Francisco and occupy or blockade such other Mexican ports in the Pacific, which were generally open and defenseless, as his forces might warrant. Should he occupy San Francisco and other Mexican ports, he was to be careful to preserve, if possible, the most friendly relations with the inhabitants and, if practicable, induce them to adopt a course of neutrality. While it was hoped that peace between the two countries might not be disturbed, and he was enjoined to do everything consistent with the national honor to prevent a rupture, it was still deemed proper, on account of the great distance of his squadron and the difficulty of communicating with it, to issue the instructions so given and thus possess him with the views and wishes of the government in the event that war should be found to be unavoidable.<sup>1</sup>

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<sup>1</sup> Cutts, 252, 253.

On May 13, 1846, Bancroft wrote again to Sloat, informing him that the state of things alluded to in his letter of June, 1845, had occurred and directing him to be governed by the instructions then given and to carry them into effect with energy and promptitude. On May 15, he forwarded a file of newspapers, containing the declaration of war and the proceedings of congress; directed him to exercise all the rights belonging to him as commander-in-chief of a belligerent squadron, and especially to consider, as his most important object, the taking and holding possession of San Francisco—"and this," he added, "you will do without fail." On June 8, he wrote still another letter directing the commodore to take possession first of San Francisco, next of Monterey, and next to blockade as many other Mexican ports in the Pacific as his force would allow. In the event that California should separate itself from Mexico and establish a government of its own under the auspices of the American flag, he was to take such measures as would best promote the attachment of the people to the United States and make the country a desirable place of residence for American emigrants. The great point, and it was reiterated in all the letters, was to seize and hold Alta California at all events and as much more of the Mexican territory as was practicable.<sup>1</sup>

But long before any of these latter instructions could reach their destination, Commodore Sloat had acted with all the energy and promptitude that were necessary. On June 7, 1846 while lying at Mazatlan, he received satisfactory information through Mexico that the Mexican troops acting under the orders of the Mexican government had crossed the Rio Grande, invaded Texas, then a part of the territory of the United States, and attacked the American forces under General Taylor. He had been expecting information of that character and kept his frigate, the *Savannah*, ready for sea. On June 8, accordingly, he spread his canvas and pressed all sail for Monterey. It was feared that the British admiral Sir George Seymour, who was lying at San Blas with the British frigate *Collingwood* of eighty guns, might attempt to intervene and forestall the Americans in the seizure of California; and as a matter of fact the British vice-consul in California had for a length of time been endeavor-

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<sup>1</sup> Cutts, 253-256.

ing to bring about British intervention. But in vain. Whatever may have been Seymour's designs, if he had any, Sloat left no chance of being outrun. He reached Monterey on July 2, and found there the *Cyane* and *Levant*, which he had ordered forward a few months previously, ready to obey orders. The *Portsmouth* was in like manner lying at San Francisco, equally ready for the exigency of the moment.

Sloat immediately made some hurried inquiries into the condition of the country, preparatory to taking possession in accordance with the terms of his instructions. It was important, as he had been expressly cautioned by Bancroft, to preserve the most friendly relations with the inhabitants and therefore to do nothing with violence or without due deliberation and circumspection. It was supposed that a very large majority of the people of California were well disposed towards the United States, and that they would not only cheerfully enter into friendly relations with the new-comers, but would hail with delight a change of sovereignty that would insure them absolute peace and prosperity. And this undoubtedly would have been much more the case than it now proved to be, if it had not been for the provocations of Fremont and the bear-flag men, the passions they excited, and the disgust felt by the Californians for a government which was supposed to be encouraging, or at least winking at, the proceedings they had inaugurated.

Though Mexico, immediately after the annexation of Texas had commenced to talk about the necessity of war against the United States for the purpose of vindicating what it called its outraged honor, and this talk had been officially communicated to California,<sup>1</sup> the latter was comparatively apathetic. In June, 1845, the Mexican president had issued orders for the organization of the militia under the name of "*Defensores de la Independencia y de las Leyes*," and, as soon as the orders arrived at Los Angeles, they were published;<sup>2</sup> but no great amount of enthusiasm was excited. In August, Governor Pico issued a proclamation to the effect that war was probable and that it was necessary to take measures against an invasion of the department, and at the same time calling for the organization of

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<sup>1</sup> Cal. Archives, S. G. S. P. XVIII, 10, 11; L. R. IV, 151.

<sup>2</sup> Cal. Archives, L. R. IV, 490-493.

the militia;<sup>1</sup> but this action was rather perfunctory than otherwise.<sup>2</sup> Towards the end of the year, further orders came that provision should be made for raising troops, and that in case of invasion cattle and goods should be removed from the frontiers;<sup>3</sup> and about the same time there was talk of a war between the United States and England in reference to Oregon,<sup>4</sup> in which California would be more or less interested; but the Californian people can hardly be said to have been stirred until Fremont made his appearance and the American flag was flaunted offensively in their faces.

The bear-flag revolution, though it was in opposition to Fremont's plans, nevertheless developed out of his operations; and he, and through him the government of the United States, was naturally supposed to be the author of it. The Californians could not look upon it otherwise than as an act of violent aggression, regardless even of appearances. There was some excuse and justification for the Texas revolution. Under any circumstances, that revolution had been only gradually evolved. There was no reason to regard it as the outcome of a deliberately formed plan of spoliation of Mexican territory on the part of the United States. But the seizure of Sonoma seemed a direct, open and insolent attack, uncalled for by any occasion and unqualified by any excuse. However well disposed the Californians may have felt towards the United States, this of itself was enough to disgust and embitter them; and had it not been for the quarrel between the political department under Pico and the military department under Castro, which prevented a hearty combination, it is likely that the only effect of the bear-flag would have been to unite the entire people against the American flag and the American conquest.

On June 29, Governor Pico in a letter written at Santa Barbara to Abel Stearns, then sub-prefect of Los Angeles, expressed a feeling which was very generally felt among the Californians. He called the bear-flag men vandals and pirates and said that the honor of the country had been compromised by their seizure

<sup>1</sup> Cal. Archives, D. S. P. Ang. X, 255-257; D. S. P. Mon. III, 283; D. S. P. VIII, 22, 23.

<sup>2</sup> Cal. Archives, D. S. P. VI, 326, 327.

<sup>3</sup> Cal. Archives, S. G. S. P. XVIII, 76, 77; 80, 81.

<sup>4</sup> Cal. Archives, D. S. P. VI, 458-461.

of Sonoma. To tamely suffer such insolence he pronounced ignominious; and, as between ignominy and death, the latter was preferable. Life without honor was for a right-feeling man equivalent to the most shameful and criminal death. He therefore conjured the sub-prefect and the ayuntamiento of Los Angeles to immediately convoke all the people; encourage them to enlist, and induce them to march at once, as well to wipe out the blot upon their name as to defend and protect their country against a crowd of miserable adventurers.<sup>1</sup> On the same day, he wrote to the departmental assembly at Los Angeles that the outraged and insulted country cried aloud upon her sons to rally in her defense, and that she cried with so urgent and imperious a voice that no one could dare to disobey without incurring a terrible anathema hurled from the inmost center of her heart. In her name and in the name of the supreme sovereign power, he therefore called upon the assembly to individually meet and join him at Santa Barbara in measures for the protection of the country and the preservation of liberty and independence; and for their promptitude in responding to the summons and their energy in thrusting aside and overcoming every intervening obstacle, the government would hold them responsible before God and the nation.<sup>2</sup>

It thus appears that Pico as political governor was no less violently affected by the proceedings at Sonoma than Castro himself, who as comandante-general was calling himself hoarse in his endeavors to gather the military strength of the department. Though estranged and opposed and unable to combine or harmonize together, each and the friends and adherents of each felt equally outraged. And each considered himself justified in regarding the United States as virtually at the back of the bear-flag adventurers and the seizure of Sonoma as an act by them in open defiance not only of the law of nations but of the faith of solemn treaty stipulations. Nor were the Californians alone in this view of the circumstances. Forbes, the British vice-consul, was known to be quite as out-spoken as any Californian, and so were all the British residents. But it was reserved for Cesareo Lataillade, the vice-consul of Spain resident at Santa Barbara, to go a little further than anybody

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<sup>1</sup> Cal. Archives, D. S. P. VII, 115, 116.

<sup>2</sup> Cal. Archives, D. S. P. VIII, 388, 389.

else and in fact to out-herod Herod in the strength of his denunciations. He expressed himself as surprised beyond measure at the atrocity committed by what he was pleased to call an armed gang of United States thieves. He deemed it necessary to announce to all subjects of the Spanish crown that the country was menaced by a horde of the vilest canaille. He thought it behooved them to look out for the safety of their persons and their property. He therefore considered it his duty to join, and to counsel his countrymen to join, in such measures as might be necessary to secure them from impending danger and as were demanded by the alarming condition of the department—infested as it was with evil-doers and threatened with their sinister projects and designs.<sup>1</sup>

On July 2, accordingly, when Commodore Sloat reached Monterey and inquired into the condition of the country, preparatory to taking possession, he found it more or less excited from one end to the other against the Americans. Many of the Californians were under arms and strenuous endeavors were being made to enlist them all in a tremendous effort to wipe out what they regarded as their disgrace. The annexation of Texas and the rumors of a national war had scarcely been able to produce a ripple of disturbance; but the insolence and insults of the Fremont men and the bear-flag men had stirred them to the depths.

It was probably owing to the condition of affairs, which he thus found in California—so different from what he had expected and so different from what he had a right to expect—that Sloat hesitated for several days after reaching Monterey to raise the American flag. He had come for that express purpose, and he had hastened to get ahead of the British admiral; but still he delayed. He felt at the last moment that all the information he possessed of the existence of a state of war between the United States and Mexico was mere rumors of fighting on the Rio Grande. He saw that the Californians were violently prejudiced against the Americans. There were therefore risks of two kinds; first, that there was in fact no war; and, second, that he could not maintain his possession in face of the bitter feeling of hostility that had been excited. But on July 6, he made up his mind

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<sup>1</sup> Cal. Archives, D. S. P. VII, 156, 157.

to front the risks and assume the responsibility. As he himself expressed it, he determined to hoist the flag, preferring to be sacrificed, if he had to be, "for doing too much than too little."

On the next morning, July 7, 1846, at an early hour, he sent Captain William Mervine on shore with a demand upon Mariano Silva, the Mexican comandante of Monterey, for its immediate surrender to the United States. By nine o'clock Silva answered that he had no authority to surrender the place and referred the commodore to Jose Castro, the comandante-general, then at Santa Clara. Upon receiving this answer, Sloat immediately ordered the disembarkation of two hundred and fifty seamen and marines and the seizure of the port. The men were forthwith landed. Captain Mervine, who was placed in command, marched them to the custom-house, where they were halted. There was no opposition to them; but the residents of Monterey crowded around to witness the proceedings. A proclamation, written by Commodore Sloat and addressed to the inhabitants of California, announcing his intention of raising the United States standard over Monterey and carrying it throughout California, was read. The Mexican colors were then hauled down and the American flag hoisted in its place. As the stars and stripes unfolded in the summer breeze, three hearty cheers from the troops and Americans present and a salute of twenty-one guns from the ships in the harbor greeted them. And from that moment, in contemplation of law, the Mexican government in California ceased and the sovereignty of the country passed to the United States.

Before sending his men on shore, Sloat issued a series of general orders, which were read to them on board the vessels. He notified them that they were about to land on Mexican territory; to strike the Mexican flag, and to hoist that of the United States in its place. It was his and their duty not only to take California but to hold it afterwards as a part of the United States at all hazards. To accomplish this, it was of the first importance to cultivate the good opinion of the inhabitants and reconcile them to the change of sovereignty. He hardly deemed it necessary to caution them as American seamen against the detestable crime of plundering and maltreating the unoffending inhabitants; but that no one might misunderstand his duty, he

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would make certain regulations, which were to be strictly obeyed and any violation of which would be visited with the severest punishment. Upon landing no man was to leave the shore until the commanding officer gave the order to march. No gun was to be fired or act of hostility committed without express orders; nor after marching was any man to quit the ranks or enter any house upon any pretense whatsoever, except upon like express order. Insult or offense of any kind to any inhabitant was to be carefully avoided, and especially the eternal disgrace of any indignity offered to any female, however low her condition or standing might be. Plundering of even the smallest article was strictly forbidden; and the attention of the men was called to the fact, that not only would the slightest act of the kind forfeit all claim to prize money, but that it would be also otherwise severely punished. And in conclusion he entreated the men, one and all, not to tarnish the hopes of bright success by any act which they would afterwards be ashamed to acknowledge before God and their country.<sup>1</sup>

In his proclamation to the inhabitants of California, Sloat alluded briefly to the invasion of United States territory and the attack upon the American troops on the Rio Grande by the Mexican forces; to the defeat of the Mexicans and the taking of Matamoras, and to the state of war actually existing between the two nations. In view of the circumstances, he had resolved to hoist the standard of the United States at Monterey and carry it throughout California. He deemed it proper, however, to declare to the inhabitants that, though he came in arms and with a powerful force, he came not as their enemy but on the contrary as their best friend. California would henceforth be a portion of the United States and its peaceable inhabitants would enjoy, besides the rights they then possessed, the privilege of choosing their own magistrates and other officers for the administration of justice among themselves, and the same protection that was extended to any other State of the American union. They would also enjoy a permanent government, under which life, property and the right of worshiping the Creator in the manner most congenial to each one's own sense of duty, would be secured—rights which, unfortunately, the government of

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<sup>1</sup> Cal. Archives, D. S. P. VII, 261, 262.

Mexico could not afford them, destroyed as were her resources by internal factions and corrupt officers, who created constant revolutions to promote their own selfish interests and oppress the people. Under the flag of the United States, California would be thenceforth free from all such troubles and expenses; the country would advance and improve rapidly both in agriculture and commerce; the revenue laws would be the same as in other parts of the United States; American produce and manufactures would be free of duty, and the goods of foreign nations admitted at one-quarter of the customs they were then paying. A great increase in the value of real estate and in all Californian productions would be very sure to follow—in fact on account of the great interest and kindly feelings, which the government and people of the United States entertained towards the citizens of California, the country could not but improve more rapidly than any other on the continent of America.

As to the inhabitants of California, such of them whether natives or foreigners, as might not be disposed to accept the high privileges of citizenship and to live peaceably under the government of the United States, would be allowed time to dispose of their property and to remove from the country without restriction or, if on the contrary they should so prefer, to remain in it, observing strict neutrality. With confidence in the honor and integrity of the inhabitants of the country, whatever they might choose to do, he invited the judges, alcaldes and other civil officers to retain their offices and execute their functions as they had theretofore been doing, so that the public tranquillity might not be disturbed, and that they should so continue at least until the government of the territory might be more definitely arranged. All persons holding titles to real estate, or in quiet possession of lands under color of right, should have their titles and rights guaranteed to them. The churches and church property in possession of the clergy should continue with the same rights and in the same possession. All supplies and provisions of every kind, furnished by the inhabitants for the use of the United States ships or soldiers, would be paid for at fair rates, and no private property should be taken for public use without just compensation therefor paid at the moment.<sup>1</sup>

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<sup>1</sup> Cutts, 112-114.

Such were the circumstances of the seizure of California by the United States. It was a war measure; but it was a measure contemplated and determined on before the war. It was a seizure with the intention and for the purpose of holding the country permanently as a conquest. There were elements of violence and aggression in the purposes of those who planned it. But in some important respects it differed from other conquests of foreign territory which the world has witnessed. It was a conquest, advantageous indeed to the conquerors, but no less so to the conquered. It was a conquest by which the conquered were to be made a part and parcel of, and enjoy the same rights and privileges as, the conquerors. It was a conquest which could hardly have been possible in any other part of the globe or conceived by any other people than those of the United States. With the exception of the impracticable guaranty of the quiet possession of land held under mere color of right, every word of Sloat's proclamation was the voice of the United States speaking through him; and all that it promised, and more than all, was accomplished and effectuated by the result. For these reasons the document, little attention as has hitherto been paid to it, is one of the most interesting and significant state papers in the American archives.

In the meanwhile on July 6, the day before the raising of the flag at Monterey, Sloat sent off a message to Commander Montgomery of the sloop-of-war *Portsmouth*, then lying in the bay of San Francisco, giving him notice of his determination and ordering him, if he considered he had sufficient force or if Fremont would join him, to hoist the flag at Yerba Buena or any other proper point and take possession of all that portion of the country. He transmitted a copy of his summons for the surrender of Monterey and also a copy of his proclamation, which he directed him to have translated into Spanish and promulgated in both languages; and he ordered him at all events and under any circumstances to secure the bay of San Francisco as soon as possible. He promised to proceed thither himself as soon as he could do so, and instructed him to communicate with Fremont, and ascertain without delay whether the latter would co-operate with them. At the same time, he sent off another message to Castro, the Californian comandante-general, inclosing a demand

for the surrender of the country to the United States with a copy of his proclamation and inviting him to a conference at Monterey for the purpose of entering into a capitulation and thereby preventing the effusion of blood and the sacrifice of life.<sup>1</sup>

Sloat's message reached Montgomery on July 8; and in a few hours after its receipt Lieutenant Joseph W. Revere was dispatched to Sonoma with a copy of it and also with American flags for that place and Sutter's fort on the Sacramento. At eight o'clock next morning Commander Montgomery landed at Yerba Buena with seventy seamen and marines; marched to the plaza; made an address; posted the proclamation; hauled down the Mexican colors and, amid the cheers of the assembled people, ran up the American flag, which was immediately greeted with a salute of twenty-one guns from the vessel in the bay. As soon as the ceremonies of taking possession were over, the seamen and most of the marines were marched back to their boats, leaving a small guard with Lieutenant Henry B. Watson in command as military occupant of the post. Soon after the withdrawal of the sailors to their vessel, the male residents of Yerba Buena were called together and, under the supervision of Lieutenants Watson and Missroon, enrolled into a military company of thirty-two men, with officers of their own selection, in aid of and ready on any emergency to support the United States forces. In the afternoon of the same day, Lieutenant Missroon proceeded with a portion of this volunteer company to the presidio and fort. He found them dilapidated and abandoned. Three old Spanish brass or bronze pieces, cast several centuries before, with three long iron forty-twos and four smaller iron guns, all of them spiked or otherwise rendered useless, were lying exposed to the weather. The adobe walls were much crumbled and the tile roofs in many places fallen in. But notwithstanding the desolation, Missroon hoisted the stars and stripes upon the ramparts; and from that moment the American flag commenced its sleepless watch and ward over the Golden Gate.

As soon as Revere reached Sonoma with the flag sent by Montgomery, it was run up in place of the bear flag and greeted with the same enthusiasm as at other places. The bear-flag

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<sup>1</sup> Cutts, 114-116.

men had especial cause for rejoicing, as the existence of war transformed them from rebels into belligerents. At Sutter's fort and in fact wherever there were Americans, the news from Monterey was heard with delight. On July 11, Montgomery wrote to Sloat that the United States flag was flying, not only at Yerba Buena and over the bay of San Francisco, but throughout the country north of the bay from Bodega on the ocean coast to Sutter's fort in the Sacramento valley; and that, on account of the protection it promised to persons and property, it had everywhere been hailed with satisfaction.<sup>1</sup>

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<sup>1</sup> Cutts, 116, 117.

## CHAPTER IX.

### "LA GENTE DE RAZON."

THE white population of Alta California, before the American occupation, numbered about five thousand persons. Of these, according to Duflot de Mofras, whose account was made up in 1842, four thousand were Californian descendants of Europeans; three hundred and sixty Americans from the United States; three hundred English, Scotch and Irish; eighty Spaniards; eighty Frenchmen; ninety Germans, Italians, Portuguese and Sandwich Islanders, and ninety Mexican colonists. There were about thirteen hundred at Los Angeles and San Diego, eight hundred at Santa Barbara, a thousand at Monterey, San Juan Bautista and Branciforte, eight hundred at San Jose, San Francisco and Sonoma, and eleven hundred scattered at other points. Of the foreigners the Americans were chiefly at Los Angeles and Branciforte, the English at Monterey and Santa Barbara, the Spanish at Santa Barbara and Monterey and the French at Los Angeles and Monterey.<sup>1</sup> Wilkes, who was in California at the same time with De Mofras, estimated the pure whites at three thousand and those of mixed blood at two thousand.<sup>2</sup>

The growth of this population had been comparatively regular from the settlement of the country in 1769. In 1795 the number was twelve hundred and seventy-five;<sup>3</sup> in 1810, two thousand and fifty-two.<sup>4</sup> Twenty years afterwards the commissioner of the Mexican census, though he estimated it at six thousand, which was about two thousand too many, noticed that, while the Indians were rapidly decreasing, the whites were stead-

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<sup>1</sup> Duflot de Mofras, I, 318.

<sup>2</sup> Wilkes, V, 175.

<sup>3</sup> Cal. Archives, S. P. XVII, 89, 90.

<sup>4</sup> Cal. Archives, M. IV, 192.

ily increasing. It was rare for a married couple to have less than six children and numerous families had from twelve to twenty.<sup>1</sup> William E. P. Hartnell of Monterey had twenty-one and, at his death in 1854, left twelve living. William G. Dana of Santa Barbara, who died in 1857, had twenty-two, of whom nineteen were living in 1876.<sup>2</sup>

The whites were known in the country as the "*gente de razon*" or people of intelligence; but this term included also negroes, mulattoes, Sandwich Islanders and in fact all who were not Indians. The designation originated in a barbarous age and was used to distinguish and exclude the Indians from the human race, or at least from all other classes of the human race.<sup>3</sup> The expression indicated that the red men were popularly considered creatures inferior to reasoning beings and more nearly on a level with brutes; and its general use in this sense, significant as it was not only of the way in which the Indians were regarded but also of the way in which they were treated, was no less degrading to the whites than to the Indians themselves.

Of the so-called native Californians, meaning thereby the Californian descendants of Spanish and Mexican blood, there were several distinct classes. The upper class consisted mostly of those who were, or had been, in official station. There were only a few families of them; but they were very aristocratic in their feelings and intermarried only among themselves. They were therefore all more or less closely related to one another. They prided themselves upon what they called their Castilian blood and speech, and were, in general, lighter in complexion, more intelligent and better educated than the other classes. From this upper class there were regular gradations downward, tolerably well indicated by color, growing more and more dark and muddy until the dull black hue and Tartar features of the pure Indian were reached. Generally speaking, each person's caste was decided by the quality of the blood which he carried, or was supposed to carry, in his veins. Pure blood was exceedingly rare; most of even the proudest and haughtiest families had Indian characteristics; but a very small admixture of Spanish was suf-

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<sup>1</sup> Cal. Archives, D. S. P. XVI, 221.

<sup>2</sup> Huse, *Sketch of Santa Barbara*, 6.

<sup>3</sup> Humboldt, *New Spain (Black's)* II, 347, note.

ficient to entitle an individual to call himself "Español" and to reach the upper class, if he had the brains or the luck.<sup>1</sup>

With the exception of the upper class, the Californians were in general low, lazy, ignorant and addicted to intoxication. The so-called Californian colonists were hardly ever seen cultivating the earth or doing any kind of useful labor. If visited upon their ranchos, they were sure to be found lying in the shade, smoking cigarritos or drinking aguardiente. If they had occasion to go any distance, however short, they never thought of walking but mounted a horse; in fact, their first care, upon rising in the morning, was to saddle an animal, which remained ready at the door all day and which they made use of for going distances even less than fifty steps. Few of them could read or write. They were inveterate gamblers; and drunkenness was so common that it was rare to meet one without his bottle. Like Indians, they allowed the women to do almost all the work in the way of gardening and agriculture; and even in the management of stock and the use of the lasso, it was no uncommon thing to find the women more experienced and skillful than the men; while in general intelligence and moral qualities they were as a rule, much superior to them.<sup>2</sup>



One great reason of the general idleness and indolence was the fact that the Californians were all of the military class or children of the military class, who regarded any kind of personal labor except in war as degrading.<sup>3</sup> Vancouver, as far back as 1793, was informed that to support the consequence of the soldier in the eyes of the natives and to insure him their respect, it was deemed highly improper to subject him to any laborious employment; and he believed this circumstance alone sufficient to account for the habitual want of industry observed in the country.<sup>4</sup> Dana in 1835 pronounced the Californians an idle and thriftless people, who could make nothing for themselves. Though the country abounded in grapes, they purchased at a high price a bad wine made in Boston; and, instead of working up the hides of the country, they paid exorbitant rates for Yankee shoes, probably made out of Californian

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<sup>1</sup> Dana, 87.

<sup>2</sup> Duflot de Mofras, II, 21-23.

<sup>3</sup> Cal. Archives, Misc. Bundle D.

<sup>4</sup> Vancouver, IV, 406.



material which had therefore been twice carried around the Horn. There was no artisan class in the country. Every rich man acted the grandee, and every poor one the broken down gentleman. It was not an uncommon thing to see a man of fine figure and courtly manners, dressed in broadcloth and velvet and seated on a horse completely covered with trappings, without a real in his pocket and absolutely suffering for the want of something to eat.<sup>1</sup> Robinson gave substantially the same testimony, pronouncing the men indolent, addicted to many vices and caring little for the welfare of their children who were allowed to grow up, like themselves, unworthy members of society. He said that notwithstanding the immense number of domestic animals in the country, the Californians were too lazy to make butter or cheese, and that even milk was rare. A sloth might as well be expected to leave a tree that had an inch of bark left upon its trunk, as to expect one of them to labor whilst a real glistened in his pocket.<sup>2</sup> Wilkes noticed that while there was a little good soap and leather occasionally found, the people were too indolent to make them in any quantity, and that no other country in the world consumed so much intoxicating liquor in proportion to its population.<sup>3</sup>

Though California was known, as early as Humboldt's time, to be one of the best adapted countries on the globe for the cultivation of grain,<sup>4</sup> agriculture continued in a very primitive state. The earth was simply scratched a few inches deep by a mean and ill-contrived plow, consisting of a heavy piece of timber shod on one end with an iron point or nose, by way of plow-share, and having inserted near the other end an upright handle, inclined backwards, by which it was guided and steadied. It was dragged by a long pole fastened at a small angle to the plow-beam and having in front a cross-piece, which was tied by way of yoke to the horns of oxen. When the ground had been turned up by repeated scratchings of this implement, it was smoothed down and the clods broken by dragging over it huge branches of trees. The grain, which was principally wheat, was sown usually broadcast but sometimes in drills

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<sup>1</sup> Dana, 84, 85.

<sup>2</sup> Robinson, 73, 142, 220.

<sup>3</sup> Wilkes, V, 159.

<sup>4</sup> Humboldt, *New Spain* (Black's), II, 444.

and covered in with the same kind of harrow used in breaking the clods and smoothing the ground. Maize, which was next in importance to wheat, was planted in rows or drills and partially cultivated, while growing, with the plow. Wheat was sown in November or December and, notwithstanding the poor preparation of the ground, produced abundant harvests in July and August. Maize, peas and beans were planted in the spring and also produced abundantly, as did likewise hemp and flax. Threshing was performed by spreading the cut grain on a spot of hard ground, treading it with cattle, and, after taking off the straw, throwing the remainder up into the breeze, so that the wind would carry off the chaff. Though much was lost and what was saved was foul, the product was never less than from twenty-five to thirty fold.<sup>1</sup> Such substantially was the whole of their system of husbandry. It was such in Vancouver's time and such it continued down to the American occupation.<sup>2</sup> When the soil, however, was properly cultivated, it produced surprising results. Robinson relates that in the neighborhood of San Jose mission twelve bushels of wheat sown as seed yielded eighteen hundred bushels the next year; and adds that of the volunteer crop, which sprang up the following year from the seed dropped at the first harvest, one thousand bushels were reaped, and again from a second volunteer crop in the third year, three hundred bushels.<sup>3</sup> Wilkes appears to have referred to the same or a similar instance when he wrote that thirty bushels of wheat yielded thirty-six hundred bushels; but he added the very important circumstance, which was omitted by Robinson, that the cultivation was by an American farmer.<sup>4</sup>

Some of the old Spanish governors, and particularly Diego de Borica, made great efforts on behalf of agriculture in California and contemplated furnishing, from the abundance which it promised, not only supplies of grain for the Mexican people but of hemp and flax for the Mexican marine. Experiments with the last named products were made at various points and proved successful. So far as soil and climate were concerned, no difficulty was experienced. With an industrious, thrifty and relia-

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<sup>1</sup> Vancouver, III, 33.

<sup>2</sup> Robinson, 219.

<sup>3</sup> Robinson, 61.

<sup>4</sup> Wilkes, V, 159.

ble people, there can be no doubt that California, even from the first, would have sprung into immense importance. But with the miserable colonists from Mexico and the military aversion to anything like honest labor, agriculture or in fact any other kind of valuable progress was impossible.

Horticulture and gardening were confined almost exclusively to the missions. As for grains, so also for fruits and vegetables, California was one of the best adapted countries in the world. But comparatively little use was made of its capabilities. Hardly a *ranchero* or a colonist from San Diego to Sonoma planted a fruit tree; and gardening was not attempted except on a very small scale and only for such vegetables as could be produced with very little labor. This was the more remarkable as fruit trees would have grown while the Californians lounged or slept. But they were as improvident as they were indolent. At all or nearly all of the missions, however, there were orchards and gardens, which were worked by the Indians under the superintendence of the missionaries, and they were generally in fair condition. Vancouver in 1792 found a fine orchard at Santa Clara with apple, peach, pear, apricot and fig trees, and all thrifty and promising. The vines did not look well; but their failure, both there and at San Francisco, was ascribed to the want of proper culture and not to any defect of soil or climate. These gave ample evidences of their adaptability for almost all kinds of fruit in the excellence of their spontaneous productions.<sup>1</sup> Robinson described the orchards connected with the mission of San Gabriel as very extensive, having among their trees oranges, citrons, limes, apples, pears, peaches, pomegranates, and figs. There were also grapes in abundance. The vineyards were so productive that the missionaries made annually from four to six hundred barrels of wine and two hundred of brandy, from which they derived an annual income of over twelve thousand dollars.<sup>2</sup> Though Santa Clara and San Gabriel were the best provided, all the missions had orchards of more or less extent, and nearly all had vineyards. At some of the southern and central establishments, there were a number of olive trees, from the fruit of which oil was made, and also a few palms. Potatoes and turnips were rare; and of

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<sup>1</sup> Vancouver, III, 34.

<sup>2</sup> Robinson, 32, 33.

garden vegetables in general it may be said that until the advent of foreign settlers they were scarcely cultivated.

It is doubtful whether any other country was so well adapted for flower gardens. Roses had but to be planted to soon burden the air with their fragrance. The favorites of Massachusetts would grow side by side with those of Louisiana. Geraniums, heliotropes and fuchsias, plants which in all the northern Atlantic States had to be nursed and hot-housed, would attain sturdy growth and become absolutely loaded with blooms exposed year in and year out to the open weather. The adaptability of the soil and climate was shown by the variety, profusion and beauty of the wild flowers. In the spring the hills and plains were literally carpeted with them—*eschscholtzias*, buttercups, mallows, *nemophiles*, violets and lilies of uncounted varieties and hues: in fact it would require a long list to enumerate a tithe of them. In the woods the rhododendrons and azaleas grew into great trees. When the Americans came they took advantage of these capabilities of the country and embowered their houses in sweetness. But the Californians had no taste for gardens that had to be cared for; and as they planted no trees, so also they cultivated no flowers.

The manufactures of the country were about as primitive as the agriculture. When Vancouver visited San Francisco in 1792 he found a large room at the mission occupied by Indians in the fabrication of a coarse sort of blanketing, made of wool produced in the neighborhood. The looms, though rudely constructed, were tolerably well contrived and had been made by the Indians themselves under the direction and superintendence of the missionaries. The product of this manufacture was wholly applied to the clothing of the neophytes and was pronounced by Vancouver to be by no means despicable.<sup>1</sup> In 1795 Governor Borica wrote that all the missions, except Soledad, were engaged in manufacturing coarse woollen cloth, tanning leather and making shoes, leggins, cuirasses, saddles and other leathern articles. He also mentioned in the same connection a water-mill for grinding grain as having been constructed at San Luis Obispo, where suitable mill-stones had been found, and another at Santa Cruz; and he likewise spoke of a hand-mill

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<sup>1</sup> Vancouver, III, 18.

and a windmill made in imitation of the specimen which had been presented to the missionaries of San Carlos in 1786 by De Langle of La Pérouse's expedition.<sup>1</sup> About 1798 Borica established a soap factory in the neighborhood of Monterey; but for want of skillful workmen the product was unserviceable; and in a few years it was found necessary to import soap from San Blas as before.<sup>2</sup> At a later time, as has been stated, Wilkes found some good soap made in the country as well as good leather; but neither in any considerable quantity.

The mills referred to by Borica do not appear to have held out long; but one was afterwards constructed at San Gabriel, which lasted some years; and this was subsequently replaced by two others, one a grist-mill and the other a saw-mill, which for a considerable time were the only water-mills in California either for grinding or sawing. In the grist-mill the revolving mill-stone was fastened to the upper end of a vertical shaft upon the lower end of which was attached the water-wheel, so that the revolution of the stone was no more rapid than that of the wheel.<sup>3</sup> The most common mode of grinding grain throughout the country, however, was by what was called the *arrastra*. This consisted simply of two mill-stones, the upper one of which, attached to a cross-beam, was pulled around by a mule.<sup>4</sup>

There were a few other manufactures in the country. In the construction of the mission buildings and presidios and some of the dwelling houses, tiles were employed; and the making and burning of them occupied a considerable share of attention. Masons, carpenters and blacksmiths also found employment. It is a matter of some astonishment, however, that there was no encouragement for shipwrights. Notwithstanding the long line of coast and the various bays, estuaries, rivers and creeks, there was no ship building, nor even boat building. Leaving out of count the work done by the Russians, the only vessels built were a launch constructed at San Francisco about 1824 and a schooner built at San Gabriel and from there carried down in pieces and put together at San Pedro about 1831; but the first was the work of Englishmen and the last of a Yankee. The

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<sup>1</sup> Cal. Archives, S. P. XVII, 48, 49.

<sup>2</sup> Cal. Archives, S. P. IV, 569-572.

<sup>3</sup> J. J. Warner, *Historical Sketch of Los Angeles*, 7.

<sup>4</sup> Wilkes, V, 160.

only other vessels or boats that were used had been sent up from Mexico or purchased from the Americans or Russians.

The ox-cart, used for the transportation of heavy goods and sometimes to carry a family on an excursion, was a clumsy affair, consisting of a large wooden frame covered with rawhide, set upon a heavy axle and having two solid wooden wheels, not exceeding two feet in diameter and very thick. Vancouver had occasion to use several of these carts for hauling fire-wood, but found them by no means as well calculated for the service of getting the wood to the beach as the miserable tule canoes of the Indians were for carrying it from the beach to his vessel.<sup>1</sup> These were the only home-made wheeled vehicles in the country, with the exception of a curious carriage designed by Father Jose Viader of Santa Clara and built by his Indian mechanics. This consisted of a narrow body, of sufficient width for one person only, hung on a pair of low wheels and the entire framework covered with brown cotton. The seat, well stuffed with lamb's wool, served to compensate for the absence of springs. The harness was made of green hide twisted into ropes, and, though not ornamental, was strong and reliable. The animal that drew, or was supposed to draw, the vehicle was a fine black mule, astride of which rode a little Indian boy who did the driving or guiding in connection with a more experienced Indian, who, mounted on a fiery steed, pulled the mule with a reata about his neck. On each side rode two vaqueros with their lassos fastened to the axletree, by means of which they facilitated the movements of the carriage over the road and very materially aided the mule in ascending steep places.<sup>2</sup> There were very few imported wheeled vehicles, and none in general use, until the American immigrants arrived.

The yoke used upon the oxen for drawing carts was the same as that used for drawing plows, consisting of a piece of timber tied with rawhide to their horns and foreheads. The oxen so yoked had no freedom to move their heads but went with their noses turned up and seemed to the foreigners, who saw them, to suffer great pain. Forbes relates that he once asked a native of Spain what could be the motive for making an ox draw by his head while a horse drew by his shoulders. The Spaniard answered

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<sup>1</sup> Vancouver, III, 14.

<sup>2</sup> Robinson, 112, 113.

that wise men had found that particular animals had their strength lodged in particular parts of their bodies, and the strength of the ox lay in his horns. Forbes replied that almost all other nations thought differently and yoked their oxen by the shoulders: therefore it was a question whether the Spaniards or the other nations were in the right. To this the Spaniard immediately and in a tone of indignation rejoined, "What! can you suppose that Spain, which has always been known as the mother of sciences, can be mistaken on that point?" The simple fact was that the Californians were using the same yoke, as they were also using the same plow, that their ancestors had used in the primitive ages of old Spain; and they would probably have continued to use them without improvement for ages to come, if foreigners had not taught them the advantages of different methods and different implements.<sup>1</sup>

For almost everything in the way of manufactured articles the country depended upon commerce. In the earliest periods, supplies were brought from Mexico; afterwards came the Russian vessels, and then the Americans. From about 1830 the trade was chiefly with the Americans. When the Russians abandoned the country in 1842 their commerce also substantially ceased. The English, however, took their place and next to the Americans were the largest traders. Duflot de Mofras found the number of ships entering the ports of Monterey and San Francisco, in the year commencing September, 1840, to be forty-three, of which ten were Mexican, twenty-four American, six English and three of other nationalities. The importations by the Mexicans amounted in value to fifty thousand dollars; those by the Americans to seventy thousand; by the English to twenty thousand, and by the others to ten thousand; or one hundred and fifty thousand in all. The exportations amounted in value to two hundred and eighty thousand dollars, of which two hundred thousand represented hides, fifty-five thousand tallow, and fifteen thousand skins, furs, wood and other inconsiderable articles. Of these exportations the Mexicans carried off in value sixty-five thousand dollars; the Americans one hundred and fifty thousand; the English forty-five thousand, and the others twenty thousand.<sup>2</sup>

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<sup>1</sup> Forbes, 249, 250.

<sup>2</sup> Duflot de Mofras, I, 499, 500, 504.

The trade in hides and tallow had, however, already by that time very seriously declined. Wilkes said, in 1842, that they could no longer be procured in any considerable or profitable quantities. The destruction of the missions and the onerous laws, duties and prohibitions, imposed by the government, had nearly destroyed the traffic that had once existed. What was left had been transferred to the bay of San Francisco, where a few old hulks, furnished with needful articles for barter, were lying and keeping up an illicit intercourse by connivance with the officers of the customs. He stated the most common imports to be cotton cloths, clothing, velvets, silks, brandies, wines, teas and so on, and the exports to be hides, tallow, skins, wheat and salmon. The average annual export for a number of previous years had been about one hundred and fifty thousand hides, worth two dollars each, and two hundred thousand arrobas of tallow, worth a dollar and a half per arroba of twenty-five pounds.<sup>1</sup> He further gave as exports two thousand beaver skins, worth two dollars apiece; five hundred otter skins, worth thirty dollars apiece; three thousand elk and deer skins at from fifty cents to a dollar, and twelve thousand bushels of wheat sold to the Russians, usually worth fifty cents per bushel, but sometimes on account of drought held at five times the usual price.<sup>2</sup>

The property considered valuable by the Californians, not including their clothing, which was mostly imported and the vegetable products raised for food, consisted almost exclusively of domestic animals and particularly cattle, horses and sheep. Land was of comparatively little account until some time after the American occupation. The chief value of a rancho was supposed to be the stock upon it. This had increased from the time of the original settlement of the country with astonishing rapidity. At first domestic animals belonged almost entirely to the missions; but by degrees private persons, usually retired soldiers, acquired ranchos and a few head of stock, which soon increased in numbers; and afterwards, when the missions began to be secularized and despoiled, it did not take long to transfer almost all the stock that still remained from the missionaries to the *rancheros*. In 1834, when the missions were at their best,

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<sup>1</sup> There is a large discrepancy between the figures of Wilkes and those of Duflot de Mofras as to the exportation of tallow. The latter had the best means of knowledge.

<sup>2</sup> Wilkes, V, 158.



the number of domestic animals, according to the carefully prepared tables of Duflot de Mofras, was four hundred and twenty-four thousand cattle, sixty-two thousand five hundred horses and mules, and three hundred and twenty-one thousand five hundred sheep, goats and hogs; and he gave the production of wheat, maize and other grains for the same year at one hundred and twenty-two thousand five hundred bushels. In 1842, after secularization had nearly done its work, the stock at the missions was reduced to about twenty-eight thousand cattle, thirty-eight hundred horses and mules, and thirty-one thousand six hundred sheep, goats and hogs.<sup>1</sup> Most of the cattle had been killed off in the great "matanzas" or butcherings which had followed secularization; and the plains in every direction were filled with carcasses and skeletons; but many had at the same time found their way to the various ranchos.

There were immense numbers of horses which were not accounted for in the returns. Large bands of them ran comparatively wild. In various places in the plains and on the hills were to be seen "manadas" or troops of them, that had never known a halter, running free as the wind and led by such of the stallions as had been victors in their hard-fought combats with one another. Their great numbers and rapid increase, even at an early day, had interfered so seriously with the pastures of the more valuable cattle, that it was on various occasions deemed necessary to kill them off. An order for a wholesale slaughter of this kind was made at Santa Barbara in 1815.<sup>2</sup> In 1825 there were tens of thousands of them, substantially unclaimed, roaming from place to place, consuming the herbage and frequently enticing into their bands the branded horses and brood mares of the stock breeders. To reduce their numbers and relieve the pastures, the rancheros constructed large corrals or pens, with long wings spreading out from the doorways. Into these they drove the wild animals in immense numbers and killed them with lances. When the number was supposed to be thus nearly sufficiently diminished, they would select the best of those remaining and domesticate them.<sup>3</sup> Dana, in 1835, found horses to be one of the cheapest things in California. If

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<sup>1</sup> Duflot de Mofras, I, 320.

<sup>2</sup> Cal. Archives, M. IV, 303.

<sup>3</sup> J. J. Warner, Historical Sketch of Los Angeles, 9.

a person wished to take a day's ride, he would pay only for the use of the saddle and the trouble of catching a horse. If the saddle was returned, it made little difference what became of the animal. On one occasion at Santa Barbara, when several of his sailor companions, off from their ship on liberty, were enjoying a ride, the horse of one threw his rider, ran away and kicked the saddle to pieces. Fortunately all the pieces remained and, being picked up, were carried back to the owner. When the tars came to settle for their sport, they expected to have a good round sum to pay, but were surprised at the owner's carefully examining the remnants of the saddle, saying it could be repaired and asking them only six reals. They pointed with an interrogating look to the horse, which by that time was half way up a neighboring mountain; but the owner shook his head, merely remarking, "No importa—it is of no consequence," and gave them to understand that he had plenty more.<sup>1</sup>

It was usual, as has been remarked, for everybody, as one of his first occupations in the morning, to catch a horse, saddle and bridle it, and either use it or keep it tied up at his door during the day, ready for use at any moment. At night this horse would be turned loose and another caught the next morning. When journeys of any great distance were gone, a number of horses were caught and taken along. The traveler would ride one down and then take another and ride him down; and so on to the end of the journey. The horses, thus ridden down, would sometimes be left on the road, to be picked up on the return. As for the riders themselves, there were probably no better ones in the world than the native Californians. They were put upon horseback when only four or five years of age and when their little legs were hardly long enough to reach half-way down the animal's sides and were kept on so constantly that they soon became expert. The usual gait was either a walk or a fast gallop. There was as a rule no medium gait like the amble, the pace, or what Dana calls the "genteel trot." The common practice was to keep a horse on the gallop until tired and then rest it with a walk.<sup>2</sup>

Riding was the universal mode of traveling with women as

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<sup>1</sup> Dana, 132, 151.

<sup>2</sup> Dana, 92, 136.

well as men, though the woman usually rode with a man on the crupper behind her. A lover would carry his sweetheart in this manner twenty or thirty miles to a fandango and back again as soon as the dance was over. Old ladies generally had strong young men, usually sons or relatives, to hold them; but they did not scurry over the country with quite as much dash as the young couples. A very young boy was generally initiated to the gallop by being seated on a horse with an expert rider on each side of him; and the three together would go tearing across the country, not unfrequently with a dry bullock's hide dragging on the ground behind them. Both young and old rarely went from one house to another, no matter how short the distance, except on horseback. Many took their meals in the saddle as often as elsewhere; and the poor animal that was caught in the morning was fortunate if it got either food or drink till late at night, when it was turned out to forage for itself.<sup>1</sup>

The Californian horses were what were known as "mustangs." They could ~~not~~ compare in beauty or excellence with the American horses; but at the same time they did not receive the same care and training. They were not used as draft animals at all. Though small they were very tough and well adapted for the uses to which they were put. There were of course favorite horses—some for speed, some for endurance, some for experience with the lasso, and some for all these qualities combined. It was not uncommon for a ranchero to have a few trained for special purposes, such as lassoing bears. But the most common employments were driving and lassoing cattle and ordinary riding. There were also favorite colors; but the preference seems to have generally been for parti-colored animals, which were supposed to be the most showy and attractive in appearance. Mares were not used for riding purposes.

As the Californian horses were inferior to those brought into the country by the Americans, so too were the Californian cattle to the American cattle. Such a thing as crossing the stock or improving the breed of either cattle or horses was never thought of or, if thought of, never practiced. The cattle were long-horned, rough-skinned animals, wild and fierce; and the beef tough and coarse. They were never housed or stall-fed.

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<sup>1</sup> Robinson, 93, 94.

Like the horses, they lived entirely in the open air, winter and summer; and sought their own food; and no care was taken of them, except to keep them from straying and to drive them together annually and brand those that were unmarked. These annual collections for branding purposes were called "rodeos." They were usually regarded as great occasions. The neighboring rancheros were invited; the cattle driven up and passed, a few at a time, in front of them or into an inclosure, and inspected. If found to belong to the owner of the ranch and unmarked, they were lassoed by the vaqueros; thrown down and burned with the owner's iron brand, heated red hot, and then released to roam for another year. If found to belong to a neighbor, they were separated and finally driven by the neighbor to his own ranch. At these rodeos, which sometimes lasted several days, there was almost invariably feasting and merry-making; bulls were killed and roasted to feed the company; and it was then that the finest displays of horsemanship and the use of the lasso were shown. Each ranchero had his own branding iron, which was registered in the alcalde's office of the district; and there were also local judicial officers for the settlement of disputes about ownership, known as "jueces del campo" or judges of the plains. When California afterwards became a State, the legislature provided for similar officers, who were required to attend rodeos when called upon as provided by the statute.<sup>1</sup>

The sheep were of Spanish stock but of bad breed. They were very far from being what are known as Spanish merinos. Their wool was of the coarsest quality, entirely unfit for exportation, and their flesh not a favorite food. Forbes suspected, and apparently with much reason, that the government of Spain discouraged or prohibited the breeding of good sheep in America, as a measure of protection to the wool-growers in the old country, just as it discouraged the planting of good vines as a measure of protection to the Spanish wine-growers.<sup>2</sup> Humboldt states that while he was in Mexico the viceroy received orders from court to root out all the vines in the northern provinces because the merchants of Cadiz complained of a diminution in the consumption of Spanish wines.<sup>3</sup> It is a notorious fact that

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<sup>1</sup> Hittell's Gen. Laws, 3859.

<sup>2</sup> Forbes, 277.

<sup>3</sup> Humboldt, *New Spain* (Black's), II, 517.

the Spanish government was capable of outrages of this kind; and when it is considered that the wool of Spanish California, as in fact the wool of all Spanish America, was comparatively worthless, while it might easily have rivaled that of Estremadura, there seems to be good ground for adopting Forbes' theory.

The goats and hogs were few in number and of inconsiderable account. The former seem to have been used sometimes for their flesh and perhaps in some instances for their milk; the latter for their lard, which was made use of in cooking, whenever it could be procured. Forbes thought that every dish, which was considered tasteful, had a large portion of lard in it. He said that the Spanish Americans in general, delighted in seeing nearly everything they ate swimming in this, their favorite fat; while butter used in the same way they abhorred—as an Englishman would abhor the train oil of the Russians.<sup>1</sup>

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<sup>1</sup> Forbes, 280.

## CHAPTER X.

### HOUSES, DRESS, DOMESTIC AND SOCIAL RELATIONS.

THE old California houses were built of adobes or sun-dried bricks with clay floors and tile roofs. As the adobes were large, the walls were two or three feet thick. The outside as well as inside was often smoothed over with a coating of clay and white-washed. There were doors and window-shutters of wood but window-glass was not common. A large house was divided off by partitions similar to the outside walls. It was rare for a building to exceed one story in height; but here and there a second story or loft was added. The rafters and the joists, where more than one story was built, were made of the bodies of long, straight young trees denuded of their bark; and the roofs, which were sometimes pent-roofs and sometimes gable-roofs, had a very slight slope. The tiles were large half-cylinders of burnt clay, so laid, by alternating rows with their convex sides down and rows with their convex sides up, and overlapping the former with the latter, that they constituted a good protection against rain. The rows were held in place by long poles placed horizontally on top and fastened at the ends. Where tiles were not procurable, thatch of tule or straw was used. There were no such things as barns or stables and seldom out-houses, except porches and sheds connected with the main house; nor were there yards except corrals. But notwithstanding the bareness and want of accessories, many of the houses and particularly the ranch houses were picturesque in appearance and formed pleasant features in the landscape.

In some instances the houses were kept as clean as circumstances would admit; but as a rule they were untidy and sometimes filthy. Robinson in 1830 said it was a rare thing to find a house that was not absolutely overrun with fleas, which, he

added, were so common and the natives had become so accustomed to their bites as to think nothing of them.<sup>1</sup> An idea of the condition of some of the houses may be gathered from a municipal law of Los Angeles, passed in 1838, which provided among other things, that every inhabitant having pigs in his house should prevent them from straying at the risk of forfeiture.<sup>2</sup> There was very little furniture, and that of the rudest kind, except such as could be procured from vessels visiting the coast.

But there was one thing almost invariably found in the houses of the Californians, which more than compensated for the want of furniture, occasional uncleanness and frequency of fleas; and this was genuine hospitality. There were no inns or taverns; but a decent person might arrive at any hour of the day or night at a mission or a ranch house and, though entirely unknown, he was sure of being well received and entertained without recompense.<sup>3</sup> The first care of the Californian upon meeting a stranger, recognized to be a gentleman, was to offer his hand, present a drink of aguardiente, ask the new-comer's name and occupation and inquire the object of his travel. At the same time he answered in advance all the questions of the same general character that were likely to be asked and invited the stranger to accompany him, if, as was likely to be the case, he was going to a rodeo, a wedding or a dance. If the invitation was accepted, a welcome reception was certain; but the stranger was often astonished to find that the rodeo or the wedding or the dance, to which he had thus been invited, was many leagues from the place where the invitation was given. As almost all the Californians of any standing were connected by relationship and the families were widely scattered over the country, these long excursions were frequent; and on all great occasions, as such amusements were always considered to be, the relatives and friends were expected from far as well as near.<sup>4</sup>

The staple food was fresh beef, frijoles and tortillas. The beef was usually roasted upon the coals, but sometimes boiled with vegetables. The frijoles or beans were almost invariably

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<sup>1</sup> Robinson, 110.

<sup>2</sup> Cal. Archives, D. S. P. Ang. II, 559.

<sup>3</sup> Duflot de Mofras, II, 33.

<sup>4</sup> Duflot de Mofras, II, 26.

first boiled and then fried with plenty of lard. The tortillas were thin cakes of meal, sometimes of wheat but usually of maize ground on the metate, patted between the hands, and baked before the fire or on heated sheets of iron. The vegetables were few and simple, such as cabbages, turnips, and potatoes; but onions and red peppers were used in great profusion and in nearly all their dishes. Chocolate and sugar came from Mexico; and as commerce became better established, small quantities of rice and tea were introduced. There was sometimes a little variation of the diet; but in general it remained much the same, year in and year out. Though the country abounded in game, the Californians were neither hunters nor fishermen; and it was seldom that they availed themselves of the elks, deer and antelopes covering the plains, the salmon and trout swarming in the rivers and brooks or the myriads of wild fowl blackening the fields or darkening the air. They had some domestic fowls; but these were not plentiful and chiefly for the reason that it required too much trouble to raise and protect them.

The Californians paid much more attention to their attire and the trappings of their horses than to houses, furniture, table or domestic comforts. The dress of the gentleman consisted of a short jacket of silk or figured calico; white linen shirt open at the neck; black silk kerchief loosely tied about the neck by way of cravat; occasionally a rich waistcoat or vest; and pantaloons of velveteen or broadcloth, open on the outsides below the knee and ornamented along the seams with buttons and gold braid. Sometimes, instead of the pantaloons, short breeches and white stockings were worn. Around the waist, suspending the pantaloons or breeches, was a silken sash, usually bright crimson or scarlet. The shoes were of buckskin or buff-colored leather and ornamented. The hat had a broad, stiff, horizontal brim, with a comparatively low crown in the shape of an oval cone truncated. Its color was sometimes black but more usually the light reddish-brown of vicuña wool, of which almost all the hats in the country, being importations from South America, were made. The crown was surrounded with a broad band and sometimes decorated with silver eagles. The hair was generally long, sometimes braided and fastened behind with ribbons, while around



the upper part of the head, and under the hat, when one was worn, was usually a black silk handkerchief.

Over the other clothing was the serape. This was usually finer or coarser according to the rank or wealth of the wearer. The richer classes had them of black or dark blue broadcloth, with as much velvet trimming and embroidery as they could carry; and from this finer kind there were gradations down to the poncho and coarse home-made Indian blanket. In general cut the serape resembled the poncho, which was a large, square woolen cloth or blanket, with a hole or slit in the middle for the head to go through. Some of the serapes were beautifully woven with various colors and very showy. When the caravans began coming to California from New Mexico, they brought with them from that and neighboring regions many very fine and serviceable ones, which they bartered for Californian mules. Sometimes instead of the serape, the manga was worn, which resembled the serape but was of doubled cloth and had around the slit in the middle a collar, usually ornamented with a wide band of silk or gold or silver braid.<sup>1</sup> These costumes were often very expensive. A fine pair of pantaloons, called calzoneras, with buttons and gold lace, cost from fifty to sixty dollars; a fine serape or manga from sixty to a hundred dollars, and other articles of dress in proportion. When the gentleman mounted upon horseback, he bound on his legs below the knees, with colored ribbons or garters, a kind of leggins called botas. These leggins, in the folds of one of which was placed the long knife which was always carried, were of thick but soft leather and often scalloped and ornamented. He also put on a pair of enormous spurs, the rowels of which were about four inches in diameter and composed of five rays, resembling the ends of thin quills, which were intended not so much to prick the horse as to produce a pressure upon his flanks and force him to lift his hind parts if the bridle was slackened, and to rise upon his haunches if reined in. Sometimes the spurs were silver-mounted and expensive, but they were usually of plain iron. When not in full dress the ordinary clothing of the ranchero was of cotton stuffs, coarse wool and leather; but as commerce increased American clothing was introduced and became common.<sup>2</sup>

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<sup>1</sup> Duflot de Mofras, II, 28, 29; Dana, 47; Robinson, 83, 84.

<sup>2</sup> Duflot de Mofras, II, 29, 30.

Robinson described with considerable minuteness the dress of Tomas Yorba, the proprietor of the Rancho de Santa Ana near Los Angeles. He was tall and lean in person but attired in all the extravagance of the country. Upon his head he wore a black silk handkerchief, the four corners of which hung down upon his neck behind. He had on an embroidered shirt, a cravat of white jaconet tastefully tied, a blue damask vest, short clothes of crimson velvet, a bright green cloth jacket with large silver buttons, and shoes of embroidered buckskin. This seems to have been his ordinary attire; but on extraordinary occasions his entire display included still richer and greater variety of materials; and in some instances it exceeded a thousand dollars in value.<sup>1</sup>

The saddle, in which the Californian took almost as much pride as in his attire, was often highly ornamented. In construction it was high before and behind, thus affording a steady and secure seat, and was built strong. In front it had a prominent and very stout pommel, capable of resisting the strain of the lasso, which was wound around it. The skirts or flaps were large and often elaborately embellished. The stirrups were of wood and attached to them in front and to the straps supporting them were leathern aprons, intended to protect the foot and leg in riding through brush-wood or chaparral. At the back of the seat and on the sides were a number of rawhide or buckskin thongs for tying on blankets or parcels. On each side was a strong iron ring, to which the stirrups as well as the cinch-straps were attached. The cinch or girth consisted of a broad band of small ropes usually plaited together, three or four feet long, with a large iron ring on each end. On the right side the cinch was securely fastened to the saddle ring by the strap on that side; on the other side the cinch-strap, which was very long and pointed at the end, hung free until the saddle was placed on the horse; it was then passed through the ring on the free end of the cinch, then through the saddle ring and so several times through each ring and drawn tight and fastened by a double fold, which prevented it from slipping. By a little practice with this strap and the leverage gained by passing several times through the rings, a person could in a few

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<sup>1</sup> Robinson, 30.

seconds fasten a saddle as tightly as he wished. The great compressive power afforded by the arrangement gave rise to the significant slang verb "to cinch," metaphorically applied to squeezing money out of individuals or corporations, which seems destined in time, like various other Californianisms, by widely extending usage, to become good English.

The bridle was usually of plaited rawhide. The bit was of iron, with a long, flat spur, or sometimes a fold of iron, running back into the horse's mouth and so arranged that, by pulling the reins, the spur was pressed upward upon the palate. A very slight movement of the rein was sufficient to turn a horse in any desired direction or stop him at full speed. The lasso or reata was a long rope, made out of rawhide, with a loop formed by a running slip knot at the end. All the Californians were expert in the use of it. They could throw it with such precision as to catch a running bull by the horns or any of the legs and trip him up; and the horses were so trained that the moment an animal was caught they braced themselves against the strain of its pull or fall. Strangers were astonished at the apparently almost impossible skill exhibited on a chase at full speed in so throwing the lasso that the loop would catch a particular leg the instant it was lifted from the ground; but Forbes explains it by the early and constant practice of the Californians, commencing when mere children by lassoing pigs and chickens with twine; making a toy reata their plaything in boyhood, and so advancing from ensnaring tame animals up to wild bulls and ferocious bears.<sup>1</sup>

The dress of the lady was usually a bodice of silk or calico, with short embroidered sleeves, loose about the waist where it was secured with a bright silk belt or sash, and a skirt sometimes of the same and sometimes of a different or differently colored material, elaborately flounced. Both bodice and skirt were profusely trimmed with lace. The stockings were silk and the shoes or slippers of satin or velvet. Over the shoulders and arms was worn the reboso, a kind of long scarf of silk or cotton, dark in color, and usually with fringed ends. In the adjustment and management of the reboso great skill and grace were displayed. Sometimes, instead of a reboso, a Chinese crape shawl

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<sup>1</sup> Forbes, 274.

was worn and in rare instances a Spanish mantilla. The hair was usually plaited into two long queues, which hung down the back, tied at the ends with bright ribbons; but sometimes it was left flowing, and sometimes done up with a comb. A band usually surrounded the head with a cross, star or other ornament in front; and necklaces and earrings of pearls were not uncommon. Bonnets or hats were not used, except sometimes in riding on horseback. Those used for that purpose were of straw with enormous brims. When it was desirable to cover the head, it was done with the reboso or shawl; but the sun was not feared by Californian brunettes as it is by American blondes.<sup>1</sup>

Dana pronounced the fondness for dress among the women excessive; he said that nothing was more common than to see them living in houses of only two rooms with the ground for a floor, dressed in spangled satin shoes, silk gowns, high combs, earrings and necklaces; and he concluded that they would pay any price rather than not be dressed in the best.<sup>2</sup> There was, doubtless, in the lower class an undue fondness for personal adornment, as there is among unrefined women all over the world; but there was no justification for the generality of his conclusion. Though himself a gentleman of refinement, he came to the coast as a sailor before the mast and did not have an opportunity of becoming intimately acquainted with the better classes in their domestic relations. Robinson, who was equally a gentleman of refinement, who lived in California many years, who married a daughter of the country and who had ample opportunities of observation, spoke in very different language. He said there were few places in the world where, in proportion to the number of the inhabitants, there were to be found more chastity, industrious habits and correct deportment than among the women of California.<sup>3</sup> It was natural, perhaps, and certainly proper for any gentleman, who married a California lady, to defend the honor of his wife's countrywomen; but in this case the defense appears to have been more than mere gallantry. There was truth in it.

In speaking further of the domestic relations of the Califor-

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<sup>1</sup> Duflot de Mofras, II, 30, 31; Dana, 86, 87; Robinson, 46, 47.

<sup>2</sup> Dana, 87, 88.

<sup>3</sup> Robinson, 73.

nians, Dana said that while the women had a great deal of beauty and none too much morality, the men were extremely jealous; and that thus one vice was set off against another. Revenge was deadly and almost certain. Not only wives but young women were carefully watched. The sharp eyes of a dueña and the ready weapon of a husband, father or brother were a protection which was needed; for the reason that the very men, who would lay down their lives to avenge the dishonor of their own family, would risk the same lives to complete the dishonor of another. It was therefore, according to Dana, rather to danger and fear than to virtue that the infrequency of infidelity was to be attributed.<sup>1</sup> But this remark, while it was to some extent contradictory of what he had said before, was, like the former remark, entirely too general. Duflot de Mofras spoke of the women as being not only active, industrious and, in intellectual and moral qualities, superior to the men; but also as being prudent and calculating. While they were large and strong, having preserved the type of beauty of their Spanish countrywomen, and consequently full of warmth and fire, they preferred for husbands, not finely dressed, courtly, serenading cavaliers, but the colder-blooded, plainer-dressed foreigners, who were more industrious, treated them better as wives and took more care of their children.<sup>2</sup> On the other hand the foreigner husbands, with very few exceptions, found in them wives quite as affectionate and quite as devoted as they would have been likely to find elsewhere.

There were sometimes obstacles thrown in the way of foreigners marrying daughters of the country. In the first place the men resented the preferences shown by the women for husbands of foreign birth and raised all the difficulties they could; and, in the second place, the church was for various reasons opposed to them. A foreigner had to place himself as completely as possible on a level with the Mexican, both in nationality and religion, before he could expect to be allowed to marry. For instance: Henry D. Fitch of Massachusetts and Josefa Carrillo of San Diego became enamoured of each other and wished to marry. But Fitch was not a Catholic and could not prevail upon the priest to perform the ceremony. Echeandia, who was

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<sup>1</sup> Dana, 199.

<sup>2</sup> Duflot de Mofras, II, 23.

governor at the time, had issued an edict that no foreigner should marry in the country without his special license, nor without complying with the regulations established by the church, which required him to belong to it. The missionary of San Diego wished to make the young couple happy, but dared not disobey the injunctions placed upon him. Fitch, however, was enterprising and his affianced no less so. An elopement was planned. A friendly vessel, bound for South America, was engaged; Fitch secured two state-rooms and occupied one as the ship sailed out of the harbor; when it passed the heads it lay to; in the night the lady, nothing loth, found means to get out of her apartment unobserved, mounted a horse, rode to Point Loma, was taken off in a boat and sailed away with her lover. At Lima they were married; but upon their return the husband was arrested by Echeandia and the married pair were kept separated until an accommodation could be patched up.<sup>1</sup>

Weddings were grand affairs. That of Manuel Jimeno Casarin with Maria, daughter of Jose Antonio de la Guerra y Noriega, which occurred in 1832, may be taken as an example. The religious ceremony was performed at the mission of Santa Barbara before daylight; and after the ceremony a breakfast was served there. After breakfast the wedding party proceeded to the town where a procession was formed. At the head was a military band, consisting of about twenty performers, dressed in red jackets trimmed with yellow cord, white pantaloons cut in Turkish fashion and red caps of Polish pattern. The bride and bridegroom, accompanied by the bride's sister, followed in an open English barouche; then came a close carriage with the father of the bride and the father of the church; then a third with the god-mother and cousin of the bride; and after them a long line of male and female friends on horseback. Guns were fired alternately at the mission and the presidio while the march lasted. In the evening the entire population, invited and uninvited, gathered at a great booth prepared for the occasion, and there was dancing to the music of two violins and a guitar. During the evening all took an active part in the amusements; and as the poorer classes exhibited their graceful performances, the two fathers, from an elevated position, threw silver dollars

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<sup>1</sup> Robinson, 20, 95.

at the dancers' feet. On the next day there was a wedding dinner, given by the father of the church, at the mission. The feast was spread in the corridor, which was adorned with flags; and the table reached from one end to the other. To this everybody was invited, old and young, rich and poor, white and black; and all participated. At night the fandango at the booth was repeated; and for several successive days and nights the feasting and dancing and general rejoicing were continued with little intermission or cessation.<sup>1</sup>

The Californian husbands were not naturally unkind; but the indolence, drunkenness and gaming, to which they were addicted, necessarily rendered them more or less callous to anything like fine feeling. There were complaints from time to time of cruelty. The husband sometimes exacted a very strict obedience. In 1836, for example, Maria del Pilar Buelna complained to Manuel Requena, alcalde of Los Angeles, that her husband, Policarpo Higuera, had beaten her so severely that she had been obliged to leave his house. The husband justified himself on the ground that he had forbidden his wife to visit her mother and she had disobeyed. Requena attempted, as a part of his duty as a judge of a court of conciliation, to settle their dispute and reconcile them. But in this he failed; and the controversy came to a trial. It appeared upon investigation, that Policarpo was dissatisfied not only about his wife's visit to his mother-in-law, but also because she had gone with his brother, whom he had forbidden his house. As, however, the husband did not pretend that his wife had committed any crime, the court ordered that the two should live together again "as God commanded;" that, if the husband had any future complaint to make, he should make it to the court and not attempt to take the punishment into his own hands, and that if the husband's brother interfered he should be punished according to his deserts.<sup>2</sup>

Husbands sometimes applied for orders to compel their wives to live with them. An instance of this kind occurred in 1834, when Leonardo Felix of San Jose complained to Governor Figueroa at Monterey that his wife had quarreled with, and separated from, him; and, desiring to have her back, he appealed to the governor to exercise his authority. Figueroa replied that it

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<sup>1</sup> Robinson, 134, 135.

<sup>2</sup> Cal. Archives, D. S. P. Ang. II, 127-129.

was a matter properly within the jurisdiction of the *alcalde* of San Jose; and he remitted the complaint to that magistrate, with instructions to cite the wife and endeavor to settle the dispute: otherwise to have a trial and make such order for reuniting the parties as might under the circumstances be proper.<sup>1</sup> In 1840 one Ortiz of Los Angeles complained that his wife had run away to San Gabriel; and an officer was sent after her with instructions to bring her back to marital subjection.<sup>2</sup> The common theory of the magistrates and of the people in all these and similar cases of domestic difficulty was that a married couple should live together "*como Dios manda*—as God commands," and that, if there were no other way, they should be compelled to do so. There was hardly any such thing known as a divorce: only one, and that in a case where there had been no free consent to the marriage, is to be found in the old records.

In considering the domestic and family relations of the Californians it is to be borne in mind that they derived their laws and customs from those of Spain and that they were not reformers. As they used the plow that had come down from their remote Spanish ancestry and hitched their oxen by the horns because that had been the practice in old Spain, so the relations of husband and wife, parent and child, master and servant were much as they had been imported by the followers of Cortes. They were modified to some extent by the conditions and circumstances of the new life in America; but the modification was as slight as possible. The marital authority, the parental power, the age of majority, nearly everything in fact concerning the relations of persons to one another remained substantially the same. Though the conditions and necessities of life made the Californians more confiding and more hospitable than the Spaniards, they believed in the wisdom of their ancestors and had no wish to live otherwise than as their fathers had lived before them. As they were opposed to reformation in religion, so also were they opposed to innovation in manners.

One of the only changes of fashion in fifty years was brought about by Alvarado in 1820 when a mere lad of eleven. It had been the custom of both men and boys to wear the hair flowing

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<sup>1</sup> Cal. Archives, D. S. P. S. Jose, IV, 588, 589.

<sup>2</sup> Cal. Archives, D. S. P. Ang. I, 113.



over the shoulders and far down the back; and the future governor, as a youth, was dressed and combed by his fond mother in the height of the prevailing style. One day a soldier, who had just come from Mexico, with cropped hair, in a conversation with the lad, remarked that such long hair must be very troublesome and was certainly very useless for a man. Juanito answered that it had never occurred to him before; but, upon thinking of the subject, there could be no doubt his locks gave endless care to his mother and a good deal of annoyance to himself; and he begged the soldier to shear him then and there. In a short time the locks were off; and the lad found the change convenient and pleasant; but his mother was horrified; and for a long time she considered her darling unpresentable in respectable society. But Juanito persisted; and by degrees short hair for lads became the fashion of the country.<sup>1</sup>

The religion of the Californians was of course the Roman Catholic; and no one thought of doubting or questioning it. A few of the superior spirits, such as Alvarado and Vallejo, secretly read books proscribed by the church; and they were doubtless more or less liberal in their faith and perhaps at heart indifferent to the teachings of the clergy; but there was no heresy or none such as to call for severe ecclesiastical punishment. The inquisition was never established as an institution in California. No one was burnt for preaching against the church because no one preached against the church. Alvarado and Vallejo, however, were excommunicated for reading *Telemaque* in 1831; and in 1834 a lot of miscellaneous literary and scientific books, brought to Monterey by a doctor named Alva, was seized by the priests, condemned and publicly burned on the plaza. But these examples of clerical severity seem to have been the extent to which it was deemed necessary to proceed. There was, as a rule, no want of conformity to the requirements of the church. Even the English and the New England Americans, who preceded the great immigrations which commenced in 1845, though fresh from the centers of Protestantism, soon found it for their interest to profess Catholicism and accordingly did so. Dana said it was a current phrase previous to 1840 that Americans,

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<sup>1</sup> Alvarado MS.

who wished to live in California, had to leave their consciences at Cape Horn.<sup>1</sup>

The salubrity of the country was such that diseases were almost always independent of climatic influences. Epidemics were rare; examples of longevity frequent. Duflot de Mofras in 1842 found many centenarians, a fact which he considered remarkable in view of the small figure of the population. He added that there were no doctors in California and that there would have been little use for them, except in cases of injuries caused by falls from horseback or wounds received in quarrels.<sup>2</sup> Lawyers were as scarce as doctors because there was no field or encouragement for them. Partly on this account and partly on account of the want of opportunities, no Californian became a professional man. The only opening for a youth of spirit was either the military or political career.

While the men of ambition devoted their energies to arms and politics and to the filling of the various offices of the country, those of more limited aspirations, who were greatly in the majority, turned their attention to horses and cattle. All that was required of them was to be skillful horsemen and expert vaqueros. Cattle could live and thrive all the year round on the plains or in the hills. There was no necessity of making hay for winter feed or of building stables for winter shelter; nor was there any attempt, by grain-feeding, cross-breeding or other care, to improve the stock. There was therefore little labor called for; and the natural consequence was that the mode of life produced the idle and indolent population, which the Californians were. Their spare energies, as has been stated, ran off into horse-racing, cock-fighting, dancing, gambling and kindred amusements.

They were passionately fond of horse-racing; and it was not uncommon for them to make such extravagant wagers as to impoverish themselves. Rancheros would sometimes risk hundreds of cattle upon the speed of a horse. Their bets were not calculated, like those of the turf in England and the United States, to indirectly improve the stock; but were bets for the mere sake of betting. They were also great lovers of

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<sup>1</sup> Dana, 90.

<sup>2</sup> Duflot de Mofras, II, 24.

gambling with cards; and often what they gained in the day-time at a horse-race they lost in the night-time at the monte table. Professional gamblers drove a thriving business and lived as regularly off of the products of the ranchos as the rancheros themselves. Horse-racing and card-playing were an integral part of every celebration and feast; and in no country, perhaps, were celebrations and feasts more frequent than in California.<sup>1</sup>

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<sup>1</sup> See Duflot de Mofras, II, 25.

## CHAPTER XI.

### FEASTS, DANCES AND AMUSEMENTS.

**I**T was in their amusements, more than in anything else, that the Californians took an abiding interest. Amusements in fact were a part of the serious business of life. Besides the regular ancient festivals of the church, there were numerous national festivals. In 1822 the imperial congress decreed that thenceforth, in commemoration of important events in the history of Mexican independence, the anniversaries of February 24, March 2 and September 16 and 27 should be observed as national holidays and celebrated with festivities.<sup>1</sup> In 1840, in the time of Alvarado, who had little fancy for strutting around with a feather in his hat and thought entirely too much time was devoted to holiday soldiering, the Mexican government deemed it necessary to call his attention to the subject and enjoin, by special order, that officials should attend solemn festivities and celebrations. It insisted that such attendance was necessary to preserve the brilliancy and dignity of the national government and the respect with which it should be regarded in the eyes of the people.<sup>2</sup>

The chief national holiday was September 16; and this was almost invariably celebrated with great pomp and circumstance not only by the people in general but by the government. In 1843, for example, Governor Micheltorena issued a long official paper, prescribing the order of ceremonies to be observed at Monterey. On the previous evening the castillo or fort was to fire a salute of five guns, the band to play and fire-works to be exhibited. On the anniversary itself there were to be artillery salutes throughout the day; a grand mass at the church and

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<sup>1</sup> Cal. Archives, S. G. S. P. I, 148, 149.

<sup>2</sup> Cal. Archives, S. P. XVI, 52.

military evolutions in the morning; a bull-fight on the plaza in the afternoon and a ball at night; and all official persons were required to present themselves in rigorously full dress and take part.<sup>1</sup> Horse-racing and gambling were adjuncts to the celebration; but bull-fighting was a national sport, authorized and regulated by government and therefore a part of the regular programme. Sometimes within a few days of an approaching celebration the vaqueros would make arrangements for lassoing a bear. For this purpose they would select a bright moonlight night, expose the carcass of a slaughtered bullock in some place frequented by bears and conceal themselves. If a bear approached, they would pounce upon him from their ambush with lassos; and they usually succeeded in tumbling him over, gagging and securing him. When the feast came on, they would place him on an ox-cart or large bullock's hide and drag him to the plaza, where he would be chained and pitted against a wild bull. In the contests between bears and bulls, the combat was often bloody and the victory uncertain. Sometimes the bear was gored to death and sometimes the bull's jugular torn open. If either animal showed signs of giving up, it was goaded into desperation; and the more desperate and bloody the conflict the greater the pleasure and satisfaction of the spectators. On the other hand, the ordinary fights between bulls on the one side and human beings on the other were, to a very great extent, deprived of their zest by an order of government, that in such contests the tips of the bull's horns should be first cut off.<sup>2</sup> Under these circumstances the ordinary bull-fight was a rather tame affair, a mere spectacle of cruelty. But such as it was, it was considered an amusement and occupied the place and served the purpose of its prototype and original, the gladiatorial show of Rome.

Besides the frequent national holidays, there were numerous church feast days and festivals; and all were celebrated with more or less observance and eclat. Not only Christmas and Easter, Lady Day and Michaelmas, but every Sunday had its religious festivities and amusements. Every mission had its anniversary; every family its reunion; every individual his saint's

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<sup>1</sup> Cal. Archives, D. S. P. Mon. VI, 462-466.

<sup>2</sup> Robinson, 103-105.

<sup>3</sup> Cal. Archives, D. S. P. Ang. XI, 798, 799.

day. Every wedding was made a festival; every funeral a time of amusement. The ancient poets feigned an Arcadian age of universal plenty and enjoyment; when the skies were always sunny; when the fields produced their fruits spontaneously; when there was no labor and no anxiety; when from day to day and month to month and year to year there was one long, unbroken, uninterrupted holiday. Such an age was an impossibility for men constituted as they are. But the nearest approach to it in the world, perhaps, was the pastoral age of Alta California.

Robinson witnessed the celebration of the religious festival of "la noche buena—the holy night" at San Diego. Estudillo, the comandante of that place, directed the customary exhibition of "Los Pastores" or the dramatic play of the Shepherds. Those who were to take part in the performance rehearsed night after night until at length Christmas eve arrived. At an early hour, illuminations commenced; fire-works were ignited; the church bells rang, and the pathways leading to the presidio church were enlivened with crowds hurrying to prayer and devotion. At midnight a solemn mass was celebrated. At its conclusion, Father Vicente de Oliva, who officiated, produced a small image representing the infant Savior, which he held in his hands for all to approach and kiss. After this, at the sound of a guitar on the outside, the body of the church was cleared; and in a few minutes afterwards the procession of performers entered, dressed in appropriate costumes and bearing banners. They consisted of six females, three men and a boy. The females represented shepherdesses; one of the men Lucifer; one a hermit; the third Bartolo, a lazy vagabond; and the boy the archangel Gabriel. The performance commenced with the archangel's appearance to the shepherdesses, his annunciation of the birth of the Savior and his exhortation to repair to the scene of the manger. The shepherdesses set out; but Lucifer endeavored to prevent the prosecution of their journey. His influence and temptations were about to succeed, when the archangel again appeared; and a long dialogue took place, in which the hermit and Bartolo played respectively prominent parts; and the whole ended with the frustration and submission of the arch-fiend. The play was interspersed with moral and

religious teachings, with music and songs, with farce and buffoonery; and a medley was thus presented, in which every spectator found something to his taste. For several days the spectacle was repeated at the principal houses, at each of which the performers were entertained with presents and refreshments; and, as they passed from house to house through the streets, they were followed by a crowd, particularly of boys, who were enraptured with the comicalities of Bartolo and the hermit and enthusiastically wild to witness over and over again what seemed to them so splendid and glorious a sight.<sup>1</sup>

While the celebration of Christmas thus took place at night, that of Easter was a day-time spectacle. Dana was present on the occasion of such a festival at Santa Barbara. The population was dressed in holiday attire; the women sat on carpets or rugs before their doors, and the men rode about visiting from house to house. Under one of the piazzas, two men, decked out with ribbons and bouquets, played the violin and guitar.<sup>2</sup> These social amenities were however mere additions to the religious mass and the inevitable fandango, which were a part of every festival. There was also every year a hanging and burning of Judas Iscariot or rather an image, supposed to represent the arch-traitor, stuffed with straw and fire-crackers and remarkable for its prominent nose.

On December 12 of each year was celebrated the apparition of the image of Santa Maria de Guadalupe or the Aztec virgin. In issuing an order for this festival at Monterey in 1833, Governor Figueroa directed the streets and houses to be decorated during the day-time and illuminated at night. He also ordered all places where liquor was sold to be closed until after midday.<sup>3</sup> On a similar occasion at Los Angeles, in 1839, an appropriation of municipal money was made for the purpose of providing gun-powder for salutes during the religious ceremonies.<sup>4</sup>

Every Sunday was likewise a festival. After mass the day was devoted to amusement. As there was no impiety in firing salutes to accompany the Sunday mass, so there was no sin in Sunday military parades. A man, who attended church in the

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<sup>1</sup> Robinson, 67-69.

<sup>2</sup> Dana, 147, 148.

<sup>3</sup> Cal. Archives, D. S. P. Mon. II, 247.

<sup>4</sup> Cal. Archives, D. S. P. Ang. V, 848.

morning, was at liberty to enjoy himself in the afternoon as suited his fancy. He could turn out, if he pleased, with rattling drum and ear-piercing fife; or, if he liked better, he could spend the remainder of the day without impeachment of his orthodox devoutness, at the race-course or the gaming-table. There was no offense in Sunday laughter or hilarity; and no one imagined that Sunday dancing was damnable.

The carnival season of extravagancies was represented by what were called the "*carnes tolendas*." They corresponded with the three days previous to Ash Wednesday. When this season approached, eggs were emptied of their natural contents by blowing through small holes pierced in their ends; the shells then partly filled with cologne or other scented water, and the holes sealed up with wax. It was always allowable during these days to greet an acquaintance by crushing such an egg on his or her head; but the chief amusement consisted in accomplishing the sweet drenching at an unexpected moment. On some occasions select companies were assembled at a particular time by special invitation to enjoy the sport; and then there was what might be called a noisy, uproarious battle, every participant being armed in advance with a supply of prepared eggs. When ladies took part, there was a limit to the game; but when gentlemen alone were engaged, the sport not unfrequently advanced from eggs to wet napkins, with which they slapped one another; from wet napkins to tumblerfuls of water; from tumblers to pitchers, and from pitchers to bucketfuls. Robinson witnessed a frolic of this kind on the occasion of the wedding of Manuel Jimeno Casarin at Santa Barbara. Among those present were Father Antonio Jimeno and Father Menendez. They joined in the sport and, becoming heated, reached the stage of throwing water over each other. Father Menendez, being the weaker of the two and finding himself worsted, retreated to an adjoining chamber and closed the door. Father Antonio pursued, when Menendez, seeing no means of escape, seized the first vessel he could lay his hands on and let fly full into Father Antonio's face. Thus, even among the father missionaries themselves, amusements could be carried to very great lengths.<sup>1</sup>

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<sup>1</sup> Robinson, 135-137.



When Dana was at Santa Barbara in 1835, he attended the funeral of a little girl, whose body was being conveyed by a long procession from the town to the mission for interment. The little coffin was borne by eight companions, and followed by a straggling company of girls in white dresses adorned with flowers, which included as he supposed from their number all the girls between the ages of five and fifteen in the neighborhood. Those who bore the coffin were continually relieved by others running forward from the procession and taking their places. The company played and amused themselves on the way, frequently stopping and running all together to talk or pick flowers, and then running on again to overtake the coffin. A few elderly women brought up the rear; and a crowd of young men, some on foot and others mounted, walked or rode by the side of the girls, frequently addressing them with jokes and banter. But the strangest part of the ceremony was that played by two men who walked, one on each side of the coffin, carrying muskets and continually loading and firing them into the air.<sup>1</sup>

Music, singing and dancing, particularly the last, constituted a part of almost every occasion of amusement. There could scarcely be a social gathering without a fandango. This was properly speaking a dance; but it was usual to devote a portion of the time to vocal and instrumental music. Though the violin was common, the favorite instrument, and especially as an accompaniment to singing, was the guitar. In singing it was not unusual to hear the words of the song improvised and addressed, sometimes in honor of strangers who might be present, sometimes in compliment to the ladies, and sometimes in satire and ridicule of the follies of the day or of society in general. A couplet or strophe, commenced by a gentleman, was often finished by a lady. Duflot de Mofras attended one of the social reunions at Santa Barbara in 1842, when the country was very much excited about the seizure of Monterey by the Americans. A gentleman commenced a couplet in a doleful strain, to the effect that "If Yankees come the country's lost; there's no one to defend her." A charming damsel, with a roguish look at the stranger, immediately added: "If Frenchmen come, the women folks will willingly surrender."<sup>2</sup>

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<sup>1</sup> Dana, 149, 150.

<sup>2</sup> Duflot de Mofras, II, 31, 32.

The voices of the Californians, as well as their language, were peculiarly adapted for singing. Dana was much struck with the fineness and beauty of the intonations of both sexes. He said that every ruffian-looking fellow, with a slouched hat, blanket coat, dirty underdress and soiled leather leggings, appeared to speak elegant Spanish. A common bullock-driver on horseback, delivering a message, spoke like an ambassador at a royal audience. It seemed, he went on to say, as if a curse had fallen upon the people and stripped them of everything except their pride, their manners and their voices.<sup>1</sup> Even among the Indians at the missions, music, instrumental as well as vocal, was to some extent cultivated. Each establishment had its Indian choir. At Santa Barbara Father Narciso Duran taught a company of about thirty upon violins, flutes, trumpets and drums; and their performances were well executed. Robinson often saw the old padre standing bareheaded in the corridor of the mission, leading a rehearsal and beating time against one of the pillars; and he was so skillful a teacher that he could instantly detect and correct a false note by any of his pupils.<sup>2</sup> At that mission as well as at others, it was not unusual for the church music to consist of the most lively dancing tunes; and thus solemn masses were not unfrequently chanted to the air of reel or horn-pipe.<sup>3</sup> Duflot de Mofras heard the Marseillaise played as an accompaniment to mass at the mission of Santa Cruz.<sup>4</sup>

The dances were of many kinds and exceedingly graceful. Some were performed in companies, some in couples, and some by single individuals. There was one called "el son," executed by one person only, in which the sound of the feet formed an accompaniment to the music. When performed by a lady, and particularly when well performed, there was always much enthusiasm among the gentlemen spectators, who, if relatives or sufficiently intimate friends, would applaud with a shower of silver dollars. A very brilliant execution or a very special desire to please would sometimes evoke a golden doubloon instead of the customary dollar.<sup>5</sup>

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<sup>1</sup> Dana, 88.

<sup>2</sup> Robinson, 114.

<sup>3</sup> Robinson, 45.

<sup>4</sup> Duflot de Mofras, II, 28.

<sup>5</sup> Duflot de Mofras, II, 32.

Robinson was present at a grand fandango, which took place at the house of Juan Bandini at San Diego in 1829, and described several of the dances. The occasion was that of having the house "benedicida" or blessed. This part of the ceremony, which was conducted by one of the missionaries marching through the various apartments, sprinkling holy water and reciting Latin verses, took place at noon, in the presence of a large company, consisting of the proprietor and his family, Governor Echeandia and his officers, many friends and their families, and a few invited strangers. After the blessing, the company sat down to a luxurious dinner; and when the cloth was removed the guitar and violin invited those who wished to the dance. But this was merely preliminary to the grand fandango of the evening, for which nearly all reserved themselves. At an early hour after dusk the various avenues to the house were filled with men, women and children hurrying to the scene. On such occasions everybody attended, and the common people were expected without the formality of an invitation. When Robinson arrived, he found a crowd collected about the door and every now and then shouting their approbation of the performances going on within the house. With some difficulty he managed to effect an entrance and found a lady and a gentleman upon the floor executing a dance called "el jarabe." The sound of their feet was so rapid, precise and harmonious with the music that he compared it to the rattle of drumsticks in the hands of able professors. The attitude of the lady was erect, with her head a little inclined to the right shoulder and her eyes modestly cast on the floor, while her hands, which were gracefully disposed at the sides of her dress, held it just high enough above the ankles to expose the movements of her feet. The gentleman was meanwhile under full head of locomotion and rattled away with wonderful dexterity, so disposing himself as to assist and set off the evolutions of his partner. His arms were thrown carelessly behind his back and, as they crossed each other, secured the points of his serape, which still held its place upon his shoulders. He had not even laid aside his sombrero or broad-brimmed hat, but in all respects appeared as if he had just stepped forth from the outside crowd and placed himself upon the floor.

In an inner apartment, which was about fifty feet in length by twenty in width, there was a crowd of smiling faces. Along the sides were children and Indian girls and their parents and mistresses. A lively tune commenced. One of the managers of the evening approached the nearest lady and, clapping his hands in accompaniment with the music, succeeded in bringing her into the center of the floor. There she remained a few moments, gently tapping with her feet or, if young and skillful, executing admirable movements, and then with several whirls she glided back to her seat. Then another was called out in the same manner, until the compliment had passed throughout the company. This was another variety of the dance called "el son" already described; but, instead of showering dollars, an enthusiastic spectator would place his hat upon the head of a lady, with the tacit understanding that he would afterwards redeem it with a present. At intervals during the entertainment refreshments were served. Occasionally the waltz was introduced, when ten or a dozen couples would start off in independent gyrations. But the most interesting and graceful of all the dances was the *contradanza*, in which a large number participated in unison together. This included intricate figures and charming combinations, borrowed from other dances, and thus, to some extent, embraced the most attractive movements of them all, while at the same time it was social and equalizing in its pleasures. The poetry of motion was not only seen but was also felt in the bows and glides and whirls of this popular and favorite amusement.<sup>1</sup>

As has already been incidentally stated, the Californians would often ride a great distance to a fandango. Duffot de Mofras in 1841 accompanied a party of about thirty persons, male and female, from Sonoma to the Russian farm of Knebni-koff. The occasion was the saint's day of Heléne de Rotschoff, wife of the Russian comandante. They started in the morning, rode all day and in the evening arrived at their destination; there they danced all that night, all the next day and all the following night; and the following or third day at sun-up they started on the journey back home again. The distance ridden in this instance, counting both ways, was some eighty or a hundred

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<sup>1</sup> Robinson, 52-54.

miles; but for a dance lasting several days, it was regarded an easy thing to go a hundred leagues or more.<sup>1</sup>

An idea of the character of the refreshments dispensed at such entertainments may be gathered from an official report of the expenses of a proposed public ball at Los Angeles in August, 1845. Jose Maria Covarrubias, as president of the various committees charged with making arrangements, reported that the necessary costs, which in consideration of the scarcity of funds were reduced to the lowest figures, would amount to one hundred and ninety-two dollars. Of this sum, thirty dollars were to be expended in preparing a floor, fifteen in purchasing ten pounds of spermaceti for lights; twenty-four for four musicians; four for four servants, and the remaining one hundred and nineteen for refreshments, including thirty dollars for a barrel of aguardiente; sixteen for a barrel of wine; ten for a half barrel of angelica, ten for olives, thirty for cakes and crackers, five for cheese, ten for fruit and three for sugar.<sup>2</sup> Another estimate of expenses for the same or a similar entertainment at Los Angeles allowed twenty-five dollars for a dozen bottles of champagne, twelve for a dozen bottles of muscatel, ten for five gallons of white wine, five for five gallons of red wine, five for two gallons of aguardiente, eight for six bottles of liqueur, six for two turkeys, four for eight chickens, two for two pigs, fifteen for thirty pounds of sugar, twelve for six bottles of preserves, and other small amounts for bread, flour, butter, cheese, sardines, milk, rice, cinnamon, olives, apples, pears, peaches and grapes.<sup>3</sup> In this case, as well as in the other, it will be observed how great a preponderance of the expense was for liquors, thus forcibly reminding one of Prince Hal's comments on Falstaff's bill of items: "Oh monstrous! But one half-penny worth of bread to this intolerable deal of sack!" The immoderate use of stimulants, and especially of the vile distillation called aguardiente, by the men, constituted the chief objectionable feature of the fandangos. While Falstaff's sack was supposed to provoke only wit and mirth, the aguardiente was almost invariably a breeder of noise, disorder and quarrel; nor was it therefore in-

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<sup>1</sup> Duflot de Mofras, II, 27.

<sup>2</sup> Cal. Archives, D. S. P. VI, 309-311.

<sup>3</sup> Cal. Archives, D. S. P. IX, 752.

frequent, when the normal amount was supplied, for a dance to end in a brawl and sometimes in a homicide.

With a people such as the Californians, there was little prospect of any development of the resources of the country. When Vancouver was at Santa Barbara in 1793, he had occasion to replenish his water casks and proceeded to the usual watering place on the beach. He found there a couple of wells, which had always been used by the Spanish sailors. Though great pains had been taken to keep them clean, they were very dirty and the water was not only scanty in supply but brackish, unpleasant and unwholesome in character. He looked around for something better and at a distance of only a few yards discovered an excellent spring of fine water amongst a clump of bushes in a sort of morass. Upon inquiry he found that the existence of the spring was totally unknown to the residents and equally so to those employed in furnishing the shipping.<sup>1</sup> The careless negligence thus exhibited was typical of the people. In fact up to the time when the Americans came, comparatively nothing was known among the inhabitants of the immense capabilities of the country; or, if known, no advantage was taken of them. Foreigners, who visited the coast, recognized them; and here and there native intellect brighter than the common sort saw them also; but the people as a people were entirely unenterprising, unappreciative, apathetic.

They made no excursions, investigations or explorations beyond their immediate neighborhood and therefore knew little about the back country. Their settlements were confined to the slope between the ocean and the coast range of mountains; and they were almost entirely ignorant of the territory more than thirty or forty miles inland or that far north of Sonoma. A few expeditions after stolen stock or runaway Indians penetrated into the San Joaquin valley or what was generally known as the Tulare country; but they brought back no information of value. Except what they picked up from the accounts of foreign travelers and explorers, they knew nothing of the Sacramento valley or the Sierra Nevada slope.<sup>2</sup> Everything that involved labor, and especially disagreeable labor, they abhorred. When Dana

<sup>1</sup> Vancouver, IV, 333.

<sup>2</sup> Vancouver, III, 25; Robinson, 216.

and his sailor comrades on one occasion were at work carrying hides from the shore to their boat by wading through the surf, two or three Californians, who stood on the beach witnessing the operation, wrapped their cloaks about them, shook their heads and muttered their disgust with a half-smothered "*Car-amba!*" They had no taste for such doings. Dana added that their disgust for water was a national malady and showed itself in their persons as well as in their actions.<sup>1</sup>

Robinson described several dinners on board American ships to which Californian rancheros had been invited as guests. On one occasion pudding was served, and it was looked upon by them with astonishment. When the sauce was handed round, some of those present, with the assistance of a grater, added a little nutmeg to the composition. A ranchero, who had carefully watched the operation, in his turn seized the grater and commenced rubbing it with his thumb nail; but, not succeeding in producing the desired effect, he paused and looked around. Observing the general smile of those who witnessed his perplexity and beginning at length to think there was something wrong, he turned to the gentleman next him and asked, "*Como es que yo no saco nada?—How is it that I cannot get anything?*" At another dinner party, given in honor of the Fourth of July, there was a numerous company present. A large bowl was used for holding the pudding sauce; and, as soon as the pudding itself had been served around, the bowl was handed to one of the Californian guests to help himself. Liking its appearance, he took the bowl from the steward and with his spoon soon finished it. Then, smacking his lips, he remarked, "*Que caldo tan bueno! Que lástima! que no lo trageron antes la carne!—What good soup! What a pity they did not bring it before the meat!*"<sup>2</sup>

The Californian gentleman, however, was a cultured being. Dana gave a graphic description of one in the person of young Juan Bandini, who at the time of their meeting was a passenger in the ship on which Dana was employed. Bandini was one of the aristocracy of the country. His ancestry was of pure Spanish blood. His father had been a governor in one of the Mexican

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<sup>1</sup> Dana, 248.

<sup>2</sup> Robinson, 130, 131.

provinces and, having amassed a considerable property, had settled with his family at San Diego, where he built a large house, kept a retinue of Indian servants and set up for a grandee. The son had been sent to Mexico, where he received an education and went into the first society of the capital. But misfortune and the want of any means of obtaining interest or income out of his property soon ate up the available estate; and the young man returned to California poor, proud, without office or occupation, extravagant while the means were at hand, ambitious at heart but unable to find a career, often pinched for bread, and keeping up an appearance of style but in dread of every small trader and shopkeeper in the place. He had a slight and elegant figure, moved gracefully, danced and waltzed to perfection, spoke pure Castilian with a pleasant voice and refined accent and had, throughout, the bearing of a man of birth and consideration. Yet there he was, with his passage given him because he had no means of paying for it, and living upon the generosity of the agent of the vessel. He was polite to every one, spoke graciously to the sailors and gave a half dollar, probably the only coin he possessed, to the steward who had waited upon him. Dana could not help feeling sympathy and especially upon comparing him with a fellow passenger—a fat, coarse, vulgar and pretentious Yankee trader, who was gradually eating up the fortune of the Bandini family, grinding them in their poverty, accumulating mortgages upon their lands, forestalling the profits upon their cattle and making inroads upon their jewels, which were their last resource.<sup>1</sup>

From the descriptions and particulars thus given, a tolerably correct idea may be formed of the kind of people the Californians were. Their chief faults they had brought with them in their blood from Mexico; but these faults had been more or less mellowed and softened by the equable sun and tempered breezes of the country. They were not an industrious or energetic people; they were incapable of heroic action either in public or private life; they were idle, negligent, ignorant, extravagant, improvident and given to drinking and gambling. But they were at heart peaceful, friendly, hospitable and generous. There was nothing blood-thirsty in their natural composition. Though

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<sup>1</sup> Dana, 276, 277.



not a people to be admired, they had many amiable qualities. If a life of careless idleness or of what the Italians call "dolce far niente—sweet doing nothing" be happiness, they were happy. They were, as has already been said, of all people on the continent, best entitled to the name of the Arcadians of the western world.

## CHAPTER XII.

### CHARACTER OF THE MISSIONARIES.

THE missionaries were, or at least considered themselves, a distinct class of the population. They were friars, who having consecrated their lives to God were, so to speak, no longer a part of the ordinary people. None of them were natives of California and very few natives even of Mexico; and, though some of them spent much the larger portion of their lives in the country, they were mere sojourners, subject at any moment to recall or removal and in no proper sense identified with the community. It was the policy of Catholicism to educate its clergy for the advancement and aggrandizement of the church; and to this object all other considerations were obliged to yield. The architects of the ecclesiastical fabric had provided with consummate skill that all the interests of all the persons, who served to make up or were in any sense connected with the ecclesiastical body, should, first, last and all the time, center in the church. They were to know nothing beyond and nothing superior to it. The church in their love and affection and devotion was to supersede everything else, not only father and mother and family and friends, but patriotism and sympathy towards fellow creatures. With this great and overshadowing principle, the friars, or so-called regular orders, were completely and thoroughly imbued. The church itself was their father and mother, their family and friends, their country and humanity all combined. It was their Christ, for whom they were to give up all and whom alone they were to follow.

The object of the missionaries in California was as thoroughly and completely the advancement and aggrandizement of the church, as that was the object of the pope and hierarchy at Rome. Every new establishment that was founded and every

new convert, naked and ignorant and vicious though he might be, added to the glory and widened the jurisdiction of the church. The civilization of the Indians was sought, not for its own sake, but for the purpose of extending the outposts and broadening the foundations of the ecclesiastical superstructure. To accomplish this purpose it was necessary that the Indians should be taught how to live in harmony, how to labor for the building up of the missions, how to become obedient professors of the faith and unquestioning adherents of the Catholic system. The missionaries were the mere agents by whose direction and under whose supervision they were to be taught and the purpose of the church accomplished. They worked not for themselves or their own personal profit but for the spiritual body which they represented.

In judging of the missionaries and estimating their character and work, this relation, which they occupied as agents in accomplishing the object of the church, must be considered. It is the key to their treatment of the Indians and to the stand they in general took against the revolution and the spread of republican and liberal ideas. It explains why they seemed to devote their lives to the civilization of the heathen but were unwilling that such civilization should go beyond a certain point, which was far short of the highest culture of which the heathen was capable. It furnishes the reason why they seemed to sacrifice their lives for humanity, but in effect did nothing but herd and train the free children of the wilderness into a race of spiritless slaves.

Father Junípero and the early mission founders in Alta California, like Father Salvatierra and his companions in Lower California, had, so far as their labors extended, a grateful and beneficent task to perform. Theirs was a part of the work with which one can sympathize and in the prosecution of which the exhibition of great energies and shining abilities can be admired. But the later missionaries were in a different situation and found themselves obliged, instead of throwing themselves in the glorious van of progress, to oppose its onward advance and fritter away their time in endeavoring to load its brakes and clog its wheels. This unfortunately has been too much the history of the clergy and of the church in all countries; but it is inher-

ent in the very nature of ecclesiastical establishments and especially such a one as professes to be based upon unchangeable and infallible authority. Such men as Fathers Junípero and Lasuén would have passed very different lives if they had lived in the later days of Fathers Sarria and Duran; while the latter, if they had lived only in the ancient days of the Spanish occupation, would have avoided the difficulties with which they were called upon to struggle and the defeats they were obliged to suffer.

La Pérouse, who wrote about 1786, spoke of the conduct of the missionaries as exceedingly pious and in perfect accord with the object of their institution. He considered some features of their internal administration blameable; but the fathers themselves he pronounced individually good and humane men; and he added that they tempered with personal mildness and charity the austerity of the rules which had been prescribed to them by their superiors.<sup>1</sup> During his stay he visited the mission of San Carlos and paid very particular attention to the Indian neophytes and the reciprocal relations between them and the missionaries. He noticed, among other things, that on the wall of the mission church there was a picture of hell and that it was much more effective as an adjunct in the work of reduction than the picture of Heaven on the opposite wall. His explanation was that the horrid torments of the damned were more striking to the imagination of the converts than the mild satisfaction of the elect around the throne of grace; but he might also have added that even by that time, for it was after Junípero had been laid away in his grave, the system of punishments played a much larger part in the government of the neophytes than that of kindness and rewards inaugurated by the great founder. Notwithstanding La Pérouse's visit was made a sort of holiday, he saw both women and men in irons and heard the sound of the whip. Scourgings were inflicted on both sexes indiscriminately for neglect of the exercises of the church and other venial sins which in Europe would have passed unnoticed. The moment an Indian was baptized, the effect was the same as if he had pronounced an irrevocable vow; he became an abject slave for life. If he ran away, he was hunted down by soldiers and pun-

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<sup>1</sup> La Pérouse, I, 442.

ished with lashes. Some attempts had been made, particularly by Governor Felipe de Neve and afterwards by Governor Fages, to qualify and restrain the hideous cruelty; but they had failed; and the church triumphed.<sup>1</sup> The Indians were taught to believe that the missionaries were superior beings, in direct communication with God, who could do no wrong; and the lesson was enforced with floggings in this life and the dread of everlasting torments in the life to come. There was no instruction whatever which was calculated to remove their ignorance; and the most useful and necessary arts, not excepting even the commonest surgery of the villages of Europe, were entirely neglected.<sup>2</sup>

Vancouver spoke of the conduct of the fathers as mild and kind-hearted and as never failing to attach to their interests the affections of the natives; but at the same time he was astonished to observe how few advantages the Indians themselves had derived from their conversion. While he described the neophytes as tractable and affectionate on the one hand, he pronounced them so utterly stolid and brutalized on the other hand, that the kindness of the missionaries was thrown away upon them. It seems never to have occurred to him that there might be some fundamental fault in the quality and manner of the kindness, which would have explained the astonishing contrast he noticed.<sup>3</sup> On his second visit in 1793, he witnessed the extraordinary attachment of the Indians of San Buenaventura to their missionary, Father Vicente Santa Maria; but he could not see, in their solicitude for their pastor's safety when he embarked for a short voyage or in their rejoicing for his safe return, any aptitude for education, instruction or civilization.<sup>4</sup>

Galiano and Valdez, who visited California about the same time as Vancouver, represented the missionaries from the Spanish point of view and spoke in the highest terms of the suavity of their treatment and the diligence and charitable pains, which they devoted to the alleviation of the condition of the natives. But in the same connection they spoke of the Indians as by no means destitute of intelligence or incapable of work requiring reflection and judgment. While their stupidity was apparent to

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<sup>1</sup> La Pérouse, I, 445-449.

<sup>2</sup> La Pérouse, I, 455, 456.

<sup>3</sup> Vancouver, III, 20, 36.

<sup>4</sup> Vancouver, IV, 345.

the eyes of all, it was, in the opinion of these observers, to be attributed rather to the torpidity of their powers and their idleness than to any absolute limitation of their intellectual faculties. When their intellects were properly brought into action and furnished with the proper kind of instruction, they easily learned what was shown them and in fact became good workmen in cultivating the fields, caring for flocks, building houses, using tools and performing ordinary mechanical labor.<sup>1</sup>

Humboldt spoke of the system of government in the remote Spanish possessions, including the Californias, as a strange medley; and he virtually characterized the treatment of the Indians as a tyranny by saying that they knew no other master but a corporal or a missionary.<sup>2</sup> Dana pronounced the Indians serfs and said they were quite as much so after their emancipation by the Mexican revolution as before. The change in their condition had been merely nominal. In other words, as they had been slaves before, so they continued to be slaves afterwards; and, in his opinion, they were always, under the conduct and treatment of the missionaries, as miserable and wretched as possible.<sup>3</sup> De Mofras, on the other hand, spoke in more cheerful terms. He said it was easy to attract the Indians, to make them understand the advantages of labor and to restrain them by benevolence; and he thought that to a certain extent at least the missionaries had accomplished magnificent results.<sup>4</sup>

A description by Robinson of his visit to the mission of San Luis Rey in 1829 furnishes an excellent account not only of what the Indians were able to accomplish but of the manner in which they were treated. This mission was under the government of Father Antonio Peyri, who was without doubt one of the kindest and best of the missionaries. The buildings occupied the sides of a large area, eighty or ninety yards square, in the center of which was a fountain with a constant supply of pure fresh water. The front of the establishment was ornamented as well as protected by a long corridor, supported by thirty-two arches with latticed railings, which together with the

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<sup>1</sup> *Relacion*, 163, 164.

<sup>2</sup> Humboldt, *New Spain* (Black's), II, 330.

<sup>3</sup> Dana, 194.

<sup>4</sup> *Duflot de Mofras*, II, 385.

fine outward appearance of the church at one of the angles, presented an attractive view to the traveler. The buildings around the court-yard were divided into separate apartments for the missionaries and major-domos, store-rooms, workshops, hospitals, and rooms for unmarried males and females or what might be called cloisters. Near at hand were buildings tenanted by the families of the superintendents. There was also a guard-house, occupied by some ten or a dozen soldiers; and in the rear were spacious granaries, stored with an abundance of wheat, maize, beans, peas and other produce. There were also inclosures for wagons, carts and agricultural implements. Adjoining were two gardens, which supplied the table with fruit and vegetables; and from five to eight leagues distant were two or three large ranchos, where a portion of the Indians were employed in cultivating the fields and domesticating cattle.

Upon entering the establishment, he saw the Indians, not otherwise employed, engaged in a long apartment at their indoor work; and he compared the scene to that presented by the working department of a state prison. There they were kept at hard labor, except at such times as they were required to attend mass and other religious exercises in the church. The church was a large structure, built of stone; its exterior ornamented and tastefully furnished, and its interior, which was still more finely finished, adorned with a variety of pictures of saints and religious subjects, highly colored and attractive to the eye. Around the altar were many images and a number of tall and massive candelabra, whose large tapers when ignited threw an imposing light over the general scene. Mass was celebrated daily and the Indians attended; but it was not unusual to see numbers of them driven along by the *alcaldes* and forced under the lash to the very doors of the sanctuary. The men were placed upon the left and the women upon the right of the church, so that a passage way or aisle was formed between the two divisions from the main entrance to the altar, along which zealous officials were stationed to enforce silence and attention. In the evenings the *rosario* was recited and all were brought together a second time to join in supplication to the virgin. The condition of the Indians was so miserable and the discipline so severe that many attempted to escape; but they were almost

always pursued and generally taken, when they were flogged and an iron clog fastened to their legs.<sup>1</sup>

Forbes, in concluding his sketch of the missions, while he spoke in terms of high praise of the fathers, reprobated their system as calculated only to enslave and debase the Indians. Each missionary wielded an absolute and irresponsible power. He was the lord and master of all his neophytes and of the soil of his mission. He directed, without the least interference from others, all the operations and economy of his establishment and disposed, according to his will and pleasure, of its produce. By a convenient legal fiction, all the property belonged to the Indians; and the Indians belonged to the church, of which he had control. He issued his commands and rewarded or chastised them as he saw fit; and all this, without fear of being called to account. It was, perhaps, impossible for men enjoying such almost unlimited powers not to abuse them; but, so far as he had heard, the missionaries of California were moderate and considerate—no instances of tyranny or inhumanity had reached his ears.<sup>2</sup>

From all accounts, it is plain that the missionaries were in reality despots. Though they may not in some cases have acted tyrannically, they were in general tyrants. They were in all cases taskmasters and in many cases cruel taskmasters. They recognized no independent rights in the Indians; but used them and their enforced labors merely to build up the missions and swell the number of so-called converts to the church. Their treatment presented a very marked contrast to that of the Russians, who for a number of years held a footing in the country, and to that of the English, who also for a short time maintained a qualified intercourse. The Russians, as long as they remained, invariably treated the Indians with the greatest kindness. They paid them scrupulously for their labor and on no occasion maltreated them.<sup>3</sup> The English likewise, or rather the Hudson's Bay Company, treated them with equity and paid them fairly for their work. Duflot de Mofras mentioned to their credit that, though they sold them fire-arms, they invariably refused to sell

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<sup>1</sup> Robinson, 24-26.

<sup>2</sup> Forbes, 226, 227.

<sup>3</sup> Duflot de Mofras, II, 9.



them fire-water.<sup>1</sup> It must not, however, be too hastily concluded that the Spanish missionaries were therefore worse men than the Russians or the English. This does not necessarily follow. It must be remembered that each nation had different objects and purposes, and that in accordance with these objects and purposes they graduated their treatment. Neither nation had any particular desire to civilize the natives in the true sense of the term. The Russians wished to be allowed to live amongst them at peace and to pursue their hunting and fishing without disturbance. The English wished to trade with them. The Spaniards, on the other hand, wished to subjugate them into workers, build up establishments and add converts to the glory of their church.

As a class, the missionaries, like the clergy generally in every other part of the world, were extremely jealous of any infringement upon their interests or privileges. They opposed any and every secular improvement that had a tendency to raise the people to an intellectual level with themselves or was calculated to interfere with their authority and power over the consciences of men. Everything like freedom of thought, even on political subjects, was hateful in their eyes. It was for this reason still more than on account of their Spanish blood that they opposed the Mexican revolution. Anything even approaching freedom of thought on religious subjects was a horrid abomination. They had accepted a series of dogmas taught by the church; and it was sacrilege of the grossest, most unpardonable character to inquire into or reason about them. There was not one of their doctrines that could not be traced back historically and an account given of how and why it came to be adopted. But to discuss such subjects was like lifting the sacred veil of the sanctuary and calling down upon one's self inevitable and everlasting reprobation. It is not likely that a single one of the missionaries ever allowed himself to question or think inquiringly about an article of his faith, or that the shadow of a doubt ever crossed his mind in reference to the advantage of the ecclesiastical system to the human race.

Apart from these general characteristics, which applied to all, some of the Californian missionaries exhibited special traits which strongly individualized them. In addition to those whose char-

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<sup>1</sup> Dullot de Mofras, II, 205.

acters have been already described with more or less minuteness, there were others who were in various respects noteworthy. Father Antonio Peyri, the founder of the mission of San Luis Rey, for instance, was a man of wide information and considerable knowledge of the world. He had built up his mission from its foundation in 1798 into one of the largest and finest in the country. The number of its neophytes exceeded that of any other mission and amounted in 1832 to upwards of three thousand. At the same time it had nearly a hundred thousand sheep, three times as many as any other mission, and was only exceeded in its cattle and horses by San Gabriel. It raised fourteen thousand bushels of grain. The church and buildings with the fountain in the court-yard, which have been already mentioned, were models of beauty and excellence. Peyri himself was noted, besides his reputation for intelligence and capacity, for his hospitality and the intelligent welcome which he invariably extended to travelers, even though they were strangers.

In 1832, he became so thoroughly disgusted with the disorders of the country and felt so much despair on account of the political outlook that he resolved to retire. He was then sixty-seven years of age, had been a resident for over thirty-four years and was the master of the finest and richest establishment in California. But his great penetration of mind enabled him to foresee the impending ruin of the missions and he was unwilling to remain and witness the spectacle of decay and dissolution. He accordingly withdrew with barely sufficient means to reach the city of Mexico; and, taking passage along with his friend, Manuel Victoria, upon the expulsion of the latter from the country, he sailed for San Blas. Thence he proceeded to the convent of his order at Mexico and buried himself for the remainder of his life in its cloisters. Forbes, who met him on his way thither, was astonished to find so intelligent and pleasant a man under the gray Franciscan habit, which he always wore, and pronounced him, with his jolly figure, bald head and white locks, the very beau ideal of a friar of the olden time.<sup>1</sup> Robinson, who knew him in California, spoke in equally high terms of praise and said that along the entire coast he was held in universal respect.<sup>2</sup>

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<sup>1</sup> Forbes, 228-230.

<sup>2</sup> Robinson, 2, 121.

Father Jose Sanchez was another missionary of great intelligence and business ability. It was under his management that the mission of San Gabriel attained its flourishing condition. Just before secularization, it had over a hundred thousand cattle and twenty thousand horses and mules and raised twenty thousand bushels of grain. Robinson was present on one occasion when mass was celebrated and was impressed with the apparent devotion of the Indians, who seemed absorbed, heart and soul, in the scene before them. The solemn music was well selected and the Indian voices accorded harmoniously with the flutes and violins that accompanied them. On retiring from the church after the ceremonies were over, the musicians stationed themselves at a private door, where they waited for the father; and, as soon as he appeared, they followed him to his quarters and remained for half an hour performing waltzes and marches until a present was distributed amongst them.<sup>1</sup> It was under his auspices and at his mission that Chapman, the Yankee shipwright, framed the schooner Guadalupe, the only vessel of any size that can be said to have been built by or at the instance of the Californians.

Father Geronimo Boscana, the author of *Chinigchinich*, was in 1830 a corpulent old man, who lived with a bed-ridden old brother missionary, Father Jose Maria Zalvidea. Both had in former times taken an active part in mission work; but in later years they merely managed to drag along a sort of superannuated existence in the dilapidated ruins of San Juan Capistrano church. This structure had been one of the largest in California; but in 1812 it was overthrown by an earthquake. In 1830 it yet bore the appearance of having been one of the best finished buildings of the country and the workmanship displayed in the sculpture upon its walls and what remained of its vaulted roof still commanded admiration. But even at that early day, what was left of the edifice and the furniture used by the fathers were fast tumbling to decay.<sup>2</sup> And the aged missionaries, like the ruins of which they seemed and in fact were in a certain sense a part, interesting and venerable specimens of a past age, relics of former energy and activity, were fast following in the way to dusty death.

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<sup>1</sup> Robinson, 31, 32.

<sup>2</sup> Robinson, 27, 28.

Robinson, who visited most of the missions in 1830, spoke of the neatness and taste of Father Antonio Jimeno at Santa Barbara. The floor of his apartment was laid in colored cement and the walls painted and hung round with pictures of saints. Father Juan Viader of Santa Barbara was "a good old man, whose heart and soul were in proportion to his immense figure." Father Narciso Duran formerly of San Jose and afterwards of Santa Barbara, who was at one time president of the missions, was a venerable old man, kind, generous, benevolent and universally beloved. Father Vicente Francisco de Sarria of Soledad, who was at one time prefect of the missions, was a pious old man, whom it was a happiness to know. His goodness and meekness of character were proverbial. Father Pedro Cabot of San Antonio was a fine, noble-looking person, whose manners and deportment would have led one to suppose he had been bred at a European court rather than in a cloister. Everything under his supervision was in most perfect order; the Indians of his mission were cleanly and well dressed, the apartments tidy, the workshops, granaries and store-houses comfortable and in good keeping. He differed entirely from his brother, Father Juan Cabot of San Miguel, who was tall and robust, with the rough frankness of a hardy sailor and celebrated for his good humor and bluff hospitality.<sup>1</sup>

Some of the missionaries were negligent and others eccentric. Of the first class were Fathers Marcos Antonio de Victoria and Juan Moreno of Purísima. Though they possessed abundant wealth in cattle and planting grounds, their mission was badly kept up and their neophytes ill clothed and in most abject condition.<sup>2</sup> Among the eccentric class was Father Francisco Uria of San Buenaventura. He was an old man, but spread a sumptuous table. He kept four great cats as his regular companions and spent his time at meals in teasing and annoying them. When his cats failed him, he amused himself with thumping the heads of his Indian boys with a long stick; and he seemed delighted every time he succeeded in delivering a skillful whack.<sup>3</sup> One of the fathers of the mission of San Jose who acted as host to Captain Beechey in 1826, apparently Father Narciso Duran,

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<sup>1</sup> Robinson, 44-84.

<sup>2</sup> Robinson, 49.

<sup>3</sup> Robinson, 50.

was accustomed at meal times to amuse himself with throwing pan-cakes to the little Indian boys who stood gaping around his table. For this purpose he had every day two piles of cakes, or what were known in the country as tortillas, brought in; and, after finishing his repast, he would roll up a tortilla; fix his eyes upon one of the boys, who immediately opened his mouth; and the padre, making some ludicrous remark in reference to the size of the aperture or the boy's appetite, would skillfully pitch the cake, which the little imp would catch between his teeth and devour with incredible rapidity. The quicker he got it down, the sooner he was ready for another and the more he pleased the padre, whose amusement consisted in practicing an accurate aim and in witnessing the sudden disappearance of the missile. In this manner the piles of cakes were gradually distributed among the eager crowd, accompanied with much laughter and occasional squabbling.<sup>1</sup> Father Felipe Arroyo de la Cuesta of San Juan Bautista was quite as eccentric and still more amiable. He was infirm of health and consequently frequently kept confined to his chamber. For his amusement he would often send for the children of the place and set them to dancing and playing their games in his presence. But the singular part of it was that, instead of calling these children by the names he had given them in baptism, he gave each the name of some renowned personage of antiquity. Thus he had his Cicero, his Cæsar, his Plato, his Alexander and other worthies in abundance. And it seems that he would sit for hours watching and contemplating them.<sup>2</sup>

It was of this same Father Arroyo de la Cuesta that Beechey told an amusing but hardly credible story, which he picked up at the time of his visit to San Juan Bautista in 1826. It was said that a youthful Indian couple, not yet old enough to be released from strict surveillance, who had conceived an affection for each other, managed to elope from the mission that they might enjoy each other's society without restraint in the wild and romantic scenery of the forest. Soldiers were immediately sent in pursuit; and, after a week's search, the fugitives were apprehended and brought back. Father Arroyo lectured them upon the enormity of what they had done, and then, to punish

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<sup>1</sup> Beechey's *Voyage*, 368.

<sup>2</sup> Robinson, 108.

their misbehavior, ordered them to prison; but, in his simplicity, he incarcerated them both in the same cell and kept them thus locked up together until he thought they had sufficiently expiated their crime.<sup>1</sup>

There was one example among the missionaries of sordid meanness. This was Father Francisco Gonzales Ybarra of San Fernando. He was a short, thick, ugly-appearing old man. His looks did not belie his character. In his own opinion no one knew so much as he did, and nobody had anything so good as he had; and, being master in his own establishment, no one presumed to dispute his claims or interfere with his conceits. His mission was rich and produced large quantities of hides and tallow; but he was so distrustful and suspicious of everybody, who offered to purchase, that no one could deal with him. For this reason, his hides accumulated in great heaps in his storehouses, where many of them lay so long that they rotted or were otherwise ruined. His tallow he laid down in large, arched, stone vats under ground, of sufficient capacity to contain several ship-loads; and there it remained. His niggardly disposition, coarse brutish manners and general unpopularity gained for him the nickname of "El Cochino—the hog."<sup>2</sup>

As has already been stated, the missionaries were as a class opposed to the Mexican revolution and many of them refused to take the oaths. This in one sense showed them to be men adverse to liberal views. But on the other hand, it is rather to their credit as conscientious men than otherwise that they opposed it and held out steadfastly in their opposition. The church, as a church, never did and never consistently could and, as long as it remains such a church as it is, never consistently can foster or favor liberty. As churchmen, and especially as friars, who had taken the vows and devoted their lives to the service of the church and in whose minds doubt had never risen and the light of something higher and better and nobler than the church had never dawned, they could not, as honest men, do otherwise than oppose the revolution. They did so, not because the Mexican people were unprepared for independence, not because they foresaw how slowly and haltingly would be the

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<sup>1</sup> Beechey's Voyage, 389.

<sup>2</sup> Robinson, 34, 35.

advance on the road to peaceable and enlightened self government; but they did so because the revolution was a blow, and a very severe blow, at the church. They would have accepted an American emperor, or a royal government of almost any kind, so long as the state religion remained Catholic, because that would have involved a mere change of sovereigns without any very great change of fundamental principles. But a republic looked to the people as their own governors and contemplated an intelligent people, who would think for themselves; and with such a people the church was certain to be in great jeopardy. This they plainly perceived, and this was the cause why such men as Sarria, Duran, Cabot and in fact all the missionaries of strong and decided character were rebels to the republican government.

It may have been a melancholy sight to witness the ruin of the missions, the dispersion of their neophytes and the unscrupulous plunder of their properties. Some persons were disposed to think that after secularization California was entirely degraded and sunk into a much worse condition than ever before. But this was not so in fact. The missions and the missionaries themselves, though they played an important and beneficial part in the settlement of the country, had long outlived their usefulness. Even in the very inception, and in fact before Father Junípero had started out from Lower California upon his memorable spiritual conquest, Jose de Galvez, the planner and statesman of the enterprise, had announced the intended missions to be merely temporary establishments and that the ulterior objects were, not the religious communities governed by missionaries, but secular or civil municipalities that were to be evolved out of them. It is true that these municipalities or Indian pueblos were a failure; but the effect of secularization was to throw open the immense tracts of land in the country, which had been monopolized by the missions, and divide them up in private proprietorship. At first, and principally for the reason that the Californians were not agriculturists, the change was considered disastrous to the prosperity of the commonwealth; and the wanton destruction of mission property, which followed, seemed to warrant the conclusion; but the result proved quite the contrary. Individual enterprises

commenced; wealth, instead of being confined to the missionary institutions, was distributed among the people, and the country was soon in a comparatively flourishing condition and with a prospect of future prosperity before it, which under the old system was impossible.<sup>1</sup>

While the ruin of the missions and the destruction of the government of the missionaries were thus of advantage to the white people, there was no loss suffered by the Indians. It is true that their rights to have the mission lands and property divided and distributed amongst themselves were not respected; and that almost all of them who remained, after tyranny and vice had done their work, relapsed into their old wandering habits. But they were no worse off than under the mission system. They were at least no longer slaves. The missionaries had taught them little or nothing of value. Many of them had been capable of education and, with proper tuition, might have been advanced, not perhaps into scholars and statesmen but, without much question, into sober and industrious cultivators of the soil. But, instead of being so taught, the effect of the system and the instructions and treatment they received had been to make them mean, abject and groveling. It was better to be almost anything than what they had been. In almost everything manly and admirable in human character, they had been inferior to the gentiles and fugitives, who skulked among the mountains or lurked in the tule swamps, waiting fitting opportunity for a thieving foray or a murderous attack.

It may be idle to speculate upon what might have become of California if it had been left to work out a destiny under its old masters. Its progress would undoubtedly have been very slow. The cities and farms and industries and culture of to-day would not exist. But there would have been some advance. The yoke of Spanish despotism had already been thrown off and though the tyranny of military demagogues replaced it, they were native demagogues and their power was merely temporary. The yoke of the Spanish church remained; but its bonds had already been greatly weakened and it too in time would have been thrown off. When the Americans took possession, the work had already advanced a great way. Though the Californians

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<sup>1</sup> See Robinson, 218, 219.



all professed religion, they cared little for the clergy and made no scruple of stripping the church of its powers and its property. The missions and the mission system were the relics of a mediæval age and had been swept away without compunction and without regret. A few missionaries remained; but like veteran actors, outliving their glories and their glory-producing arts, they lagged superfluous on the stage.

As the missionaries, in the pride of their profession, considered themselves a distinct and separate class, set apart from and superior to the commonalty, they did not have the proper kind of sympathies and feelings to make them good members of the community. Their principles, after a certain early stage in the settlement of the country, were a continual obstacle to the further progress of the work of civilization. After this stage had been reached, the community could do without them and was better off without them. They were the hard, hide-bound, unyielding sheath of the chrysalis, that had to be burst in the throes of a new birth. They were the protective armor, useful only for a time, that had to be thrown aside before the new nervous centers and higher organs, slowly developing underneath, could find free and active play.

## CHAPTER XIII.

### PHYSICAL GEOGRAPHY.

THE physical geography of Alta California was very imperfectly known until after American explorers and scientists began to investigate it. None of the old residents or sojourners of Spanish blood, with the exception of here and there an engineer, like Alberto de Córdoba, or a navigator, like Bodega y Quadra, was qualified for such a study; and no one paid any great attention to the subject further than to understand something about the general features and character of the country and particularly that portion lying on the immediate ocean coast between San Diego on the south and the latitude of Fort Ross on the north. This, a comparatively narrow strip, not more than forty or fifty miles wide, comprised all the white settlements and was substantially all that was known with anything like accuracy and particularity.

The extent of Alta California in ancient times was altogether indefinite. It cannot be said to have had boundaries either on the north or on the east. Spain originally claimed the entire northwest coast; and, in one sense, the whole country as far north at least as Nootka was supposed to be comprised in the province. Vancouver, who represented the English possessions in 1792, was aware of this claim, but considered the Spanish settlements at Nootka and at the entrance of the Straits of Juan de Fuca as merely temporary in their character, and regarded San Francisco as the most northerly limit of what the Spaniards could claim by occupation.<sup>1</sup> But on the other hand the English were quite as wild and extravagant as the Spaniards. They also claimed the entire coast as the New Albion, discovered and named by Francis Drake; and while they seized and held

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<sup>1</sup> Vancouver, III, 24.

Nootka and other places in the far north under their claim, they asserted their same claim as far south as the mission of San Domingo in Lower California. Vancouver insisted that it was all New Albion and belonged to England, though he admitted that the Spaniards frequently called the same country New California.<sup>1</sup>

After the Nootka controversy, Spain made no serious attempt to assert her claims to what the English had seized; but there was no settlement of boundaries between the two nations; and it was not until the Americans, by the seizure of Oregon, came in like a wedge and spread them apart, that their respective overlapping claims may be said to have come to an end. It was consequently not with the English but with the Americans that the long disputed question of the northern boundary of Alta California had to be settled; and, as has already been fully explained, it was at last finally and amicably fixed at the forty-second parallel of north latitude by the so-called treaty of Florida between the United States and Spain in 1819. But, while the northern boundary was thus definitely established, the eastern boundary continued vague and undetermined. There was no telling exactly where it ran or where it ought to run; but there can be no doubt that the Spanish province, politically known as California or the Californias, was understood to extend as far east at least as the Rocky mountains.<sup>2</sup> Even down to the American conquest, although the Californians did not in fact occupy but a very inconsiderable part of the great Sacramento and San Joaquin valleys and knew nothing except by report of the country east of the Sierra Nevada, they still claimed the Salt Lake regions and took it in high dudgeon that a few hardy American trappers and hunters presumed to tread its almost boundless wastes and pursue its wild beasts and equally savage human denizens to their desert fastnesses. Thus the eastern boundary of Alta California was never fixed until the entire country came into the possession and ownership of the United States; and it was then settled among the Americans themselves by the segregation of what is now the State of California from the vast area and its admission as such into the Union in 1850.

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<sup>1</sup> Vancouver, IV, 385.

<sup>2</sup> Duflot de Mofras, II, 39.

By the boundaries thus adopted and established California became restricted to a territory between the Oregon line on the forty-second parallel of latitude on the north; the southern boundary of the United States on the latitude of about thirty-two and a half on the south; the Pacific Ocean on the west, and two lines diverging from a point near the center of Lake Tahoe in the Sierra Nevada mountains on the east, one line running due north to the northern boundary and the other running southeast to the Colorado river and thence following that river to the southern boundary. In general form it is a long parallelogram, about eight hundred miles in length northwest and southeast by one hundred and ninety in width east and west. More accurately speaking it may be said to resemble a wide felloe of a wagon wheel, with its convex side towards the ocean. It has a coast line of one thousand and ninety-seven miles and contains, according to official measurement, 157,000 square miles, or over 100,000,000 acres, of surface.

There are two main chains of mountains, the Sierra Nevada on the east and the Coast Range on the west. The Sierra Nevada chain, which runs nearly parallel with the coast from the northern boundary to the latitude of Point Concepcion, is about four hundred and fifty miles long and seventy wide. With the exception of a small section east of Lake Tahoe, the entire chain is in the State of California. Its highest crest is near the eastern side and varies from five thousand to eight thousand feet above the level of the sea, though there are occasional ridges that mount to over ten thousand and peaks to over fourteen thousand feet. Nearly the entire width is occupied by its western slope, which descends to a level of some three hundred feet above tide water, while the eastern slope, which is only five or six miles wide, terminates in the Great Basin, which itself has an elevation of from four to five thousand feet. Almost all the rain or snow, precipitated upon the Sierra Nevada, falls upon the western slope. It consists generally of water evaporated from the South Pacific Ocean, brought hither by regular currents of the winds and is condensed in sweeping up from the warmer into the cooler regions of the slope.<sup>1</sup> When these winds have

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<sup>1</sup> The water is taken up in the South Pacific by the southeasterly trade-winds. Upon reaching the neighborhood of the equator, the vapor-laden air rises and flows as an upper current from southwest to northeast or, in other words, in a direction

passed the summit, they are dry and drop no fatness on the other side. But on the western side the rain and snows are so abundant as to form numerous streams, which run westward at right angles to the course of the chain and cut the declivities into immense ravines, cañons and gorges.

A few peaks of the Sierra Nevada, notably Mount Shasta near the northern end, where the chain joins the Cascade Range of Oregon, and Mount Whitney near the southern end, rise into the region of perpetual snow and have small glaciers; but as a rule all the snow melts where it falls and does not accumulate. While, therefore, in the winter and spring months, the higher ridges and summits are covered with a deep mantle of frost, impassable to ordinary travel, they are in the summer and autumn months bare and clear and the temperature mild and pleasant, inviting excursionists. The greater portion of the foothills and lower mountains up to the height of about twenty-five hundred feet are covered with oaks, nut pines, manzanita bushes and various other trees and brush, some evergreen and some deciduous; above which succeed great forests of coniferæ to a height of six thousand feet; and out of this belt, here and there, rise bare ridges or jagged peaks. There are a few mountain lakes, the largest of which is Tahoe, a magnificent body of fresh water derived from melted snows, locked between nearly parallel ridges of the summit in latitude thirty-nine. It is about twenty miles long by ten wide and its surface six thousand feet above tide water. A few small valleys and flats are found at various points among the spurs; but as a rule the entire chain consists of immense ridges, heaped upon one another, and enormous chasms.

The Coast Range, consisting like the Sierra Nevada of various ridges, having a general northwest and southeast direction, wider in some parts and narrower in others, runs from one end of the country to the other. Its general height is from two thousand to six thousand feet. Its main or eastern ridge, which skirts the Sacramento and San Joaquin valleys, may be said to

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directly opposite to that of the northeasterly trades. This same upper or water-charged current, after crossing over the zone of the northeasterly trades—that is to say, after it passes north of latitude 30°—sinks and becomes the under or surface current and furnishes the southerly storm-winds of California with their moisture.—See Maury's Physical Geography of the Sea, §§ 122, 123, 178, 187-191.

join the Sierra Nevada at or near Mount Shasta in the north, and thence to run in an almost unbroken line to the Tejon, southwest of Mount Whitney, where it again joins the Sierra Nevada; and from there the chain or the two chains combined run southeastwardly to the Colorado river. West of the main ridge and usually branches from it are various other ridges with valleys between, until the immediate coast is reached; and this consists mostly of a ridge or ridges making a number of prominent points and presenting throughout most of the distance a bold and precipitous shore line to the ocean, except where broken by rivers, creeks or bays. The eastern or main ridge of the Coast Range is the longest and most regular, having a nearly uniform elevation with only occasional peaks and passes, and being substantially unbroken, except near its middle, where the superfluous waters of the Sierra Nevada are drained off into the ocean.

Between the Sierra Nevada on the east and the main ridge of the Coast Range on the west lies the great interior valley of California. This consists of an immense plain, some four hundred miles long by fifty or sixty wide and nearly unbroken throughout its length and breadth, except by an irregular mass of steep and isolated heights near the middle of the northern half called the Marysville Buttes. The northern half is drained by the Sacramento river, which runs southwardly, and the southern half by the San Joaquin, which runs northwardly. Both these rivers rise in, and are fed almost exclusively by numerous tributaries from, the Sierra Nevada. They are, so to speak, the great veins, which collect the waters of the interior basin and carry them back to the ocean. Their courses, after fairly reaching the plain, are in nearly straight lines through its center north and south, with a fall of less than a foot to the mile, till they empty nearly together, among great marshes of tules or bull-rushes, with many connecting sloughs, into the salt water of Suisun bay. From this bay the surplus waters are carried westward through the Straits of Carquinez into San Pablo bay; thence southward by the Narrows into San Francisco bay proper, and thence westward through the Golden Gate into the Pacific.

The bay of San Francisco in general shape resembles a crescent, with one horn extending some forty miles southeastwardly

and the other horn, including San Pablo and Suisun bays, extending some fifty miles, with a great curve, northeastwardly. It is surrounded with mountain ridges, all of them having a general northwesterly and southeasterly direction. The southeasterly arm lies between two of these ridges, while the northeasterly arm on the contrary, instead of lying between ridges, cuts through all the ridges of the Coast Range and has a number of separate valleys between the ridges opening upon it, from each of which it receives a small river or creek. The extent of country thus drained through the Golden Gate includes all of the great interior Sacramento and San Joaquin valleys and, besides these, the magnificent Coast Range valleys of Napa, Sonoma and Petaluma on the north and that of Santa Clara on the south.

There stands, between the two arms of the bay of San Francisco, about thirty-five miles from the ocean and constituting a part of the main ridge of the Coast Range, a prominent mountain called Mount Diablo, or more properly Monte del Diablo. Its peak, though only about four thousand feet high, is so isolated and occupies such an advantageous position with respect to the surrounding country that the view from its summit embraces the entire drainage system thus described and commands one of the widest and most interesting prospects in the world. To the northeastward, eastward and southeastward, spread out like a map, with water courses flashing like silver ribbons or marked by lines of timber, and with cities, towns and villages dotting the plains as far as the eye can reach, lie the great interior valleys of the Sacramento and San Joaquin; and beyond them the dark, forest-covered, snow-capped line of the Sierra Nevada from Mount Lassen in the north to Mount Whitney in the south, a distance of two hundred and fifty miles. To the northward and northwestward, between intervening ridges and all opening, as it were, towards the spectator, lie the valleys of Napa, Sonoma and Petaluma, each with its stream and its towns; and beyond them ridge after ridge and peak after peak of distant northern coast mountains. Sweeping around one's feet, so to speak, is the bay or series of bays, surrounded by heights and beautiful as the lakes of Scotland or Switzerland. To the westward, leading out between precipitous cliffs from the

bay to the ocean, which bounds the horizon, glances the Golden Gate, flanked on the north by the purple peak of Tamalpais and on the south by the building-covered hills of San Francisco. To the southward and southwestward are the Santa Clara valley and the inclosing mountains, growing gradually fainter as they recede, until they are finally lost in the distant southern haze.

No other spot on the globe presents at the same time so extensive and complete a view of a great drainage system, combining so many various and distinct elements of interest and importance. But when one has cast his eyes over the immense landscape of nearly forty thousand square miles and taken in the entire amphitheater converging towards the bay at his feet, he has seen nearly all of California that is valuable, with the exception of the narrow but exceedingly rich western slope of the combined Sierra Nevada and Coast Range from Santa Barbara to San Diego and several long but narrow valleys, drained by rivers emptying directly into the ocean, in the northwestern corner. There are two remarkably large and rich valleys, each with its correspondent river, near to and nearly parallel with the coast, the one coming from the northwest and the other from the southeast, and both running in nearly direct lines towards the bay but turning suddenly off before reaching it and emptying into the ocean with mouths nearly equidistant from the Golden Gate. The northern of these is Russian river, the southern the Salinas. Each is about one hundred and fifty miles long. Though the drainage in each case is independent, it may be considered as a part of the great San Francisco system as seen from Monte Diablo; the Russian river valley being, so to speak, a continuation of the Petaluma valley, of which it possibly once formed a part, and the Salinas valley a continuation of the Santa Clara valley, though the two were evidently never connected.

The various ridges of the Coast Range have received different names. The main one is usually called that of Monte Diablo. West of it, north of Suisun and San Pablo bays, are those of Napa and Sonoma; and west of these, along the ocean, the Coast ridge. Those of Napa and Sonoma join, so to speak, with that of Monte Diablo at Mount St. Helena; and then the combined ridges, after widening out to inclose a large, elevated



body of pure, fresh water, twenty miles long by from two to ten wide, called Clear Lake, run off with numerous spurs into the north and northwest, some towards Mount Shasta and some towards the coast. The Coast ridge also widens as it goes northward, with numerous spurs, one forming Cape Mendocino and others joining and interlacing with spurs from the main ridge to form the Trinity and Klamath mountains. The entire northwestern portion of California is very rough, with long, rapid rivers, running through deep cuts, and very small valleys. Opposite the Golden Gate and continuous with the Napa mountains, separated from them only by the Straits of Carquinez, are the Contra Costa mountains, forming the eastern shores of San Pablo and San Francisco bays. This ridge runs southeasterly to join that of Monte Diablo east of San Jose. The San Francisco peninsula is a continuation in like manner of the Coast ridge, separated from it only by the Golden Gate. It runs southeasterly and joins the main or Monte Diablo ridge at the head of the Santa Clara valley. A portion or rather a spur of it, just south of San Francisco, is called the San Bruno. At its lower end, between the head-waters of the Santa Clara valley and the Salinas river, this ridge is called the Gabilan. West of the Salinas river and between it and the ocean are the Santa Lucia mountains. They run from the Point of Pines southeasterly to join the main ridge near the Tejon. South of Santa Lucia are the San Rafael mountains north of the Santa Inez river, and the Santa Inez mountains between that river and the Santa Barbara Channel. From the Tejon, where the Sierra Nevada and the Coast Range meet, the combined ridges extend southeastward to Mount San Bernardino, a peak some sixty miles directly east of Los Angeles and nearly twelve thousand feet high. Thence one series of ridges run, in the same general southeasterly direction, to the Colorado river and another series to the west shore of the Gulf of California. West of this main ridge or series of ridges, are several intermediate ones or spurs until the coast is reached, along which, as along the entire coast of California, with only occasional breaks, is a coast ridge extending all the way from the Santa Inez ridge at Santa Barbara to San Diego and thence into and along the whole length of Lower California. The main chain from the Tejon to the

Colorado river is called the San Bernardino Range; the ridge running from San Bernardino towards Lower California the San Jacinto. Northwest of Los Angeles are the Santa Susanna, Santa Monica and San Fernando mountains; northeast the San Gabriel, and southeast the Santa Ana and Temescal. The southwestern corner of California about San Diego, like the northwestern corner about Klamath river is very mountainous. It has numerous rich though small valleys; but, unlike the Klamath country, it has no rivers large enough to be constant.

The northeastern corner of California, northeast of the Sierra Nevada, consists of a high, dry, volcanic country, with a few lakes, more or less salty, and long stretches of treeless, herbless deserts, the whole generally known, from the scoriæ, obsidian and ashes scattered over its surface, as the Lava Beds. But the real, genuine deserts of the country, the land of absolute aridity, is the southeastern portion, comprised between the combined Sierra Nevada and Coast Range on one side and the Colorado river on the other. In the upper or northern part of this vast desolation, between the Sierra Nevada and an outlying desert ridge, and nearly directly east of San Francisco, is Mono Lake, the "Dead Sea of California." It is eight miles long by six wide, a sheet of thick, heavy, alkaline and fishless water. About a hundred miles further south is Owen's Lake, fifteen miles long by nine wide, of much the same character. East of Owen's Lake, between two desert ridges and near the boundary line, is a depression, some thirty miles long by ten wide and several hundred feet below ocean level, called by the significant and appropriate name of Death's Valley. It is the sink of the waterless Amargosa or River of Bitterness. South and southeast of Death's Valley and Owen's Lake and the Sierra Nevada are the wide stretches of the Mohave Desert, with here and there a sink or a mud-lake; and southeast of that, reaching to the Colorado river, the Colorado Desert. These deserts are hot, sandy barrens, without vegetation except a few yuccas, cacti and thorn bushes, with occasional shifting sand-hills or treeless and herbless ridges of rock. A portion of the southerly part of the Colorado Desert, like Death's Valley, is lower than the level of the sea or the Colorado river; and sometimes, on occasions of great floods, the river breaks over its banks and sends a large

stream, called New River, a distance of a hundred miles and more northwestwardly to be drunk up by the thirsty sands.

Of the rivers of California, the only ones that are navigable for any considerable distance for schooners and steamboats are the Sacramento and the San Joaquin. Their larger tributaries that come from the Sierra Nevada are constant streams, but are torrents, with an average fall of a hundred feet per mile until they emerge into the plain, where they are usually still swift and full of shifting and shallow sand-bars. The Sacramento river runs the whole length of the Sacramento valley; but the San Joaquin emerges from the mountains about half way up the San Joaquin valley and above that point there is no constant drainage. Some thirty or forty miles above the great bend of the river is Tulare Lake, a body of water, ordinarily called fresh but in reality more or less brackish, forty miles long by thirty wide, and above that Kern and other small lakes, which are supplied by streams coming from the Sierra on the east and south. Most of these streams and almost all the creeks have a continuous flow only in the winter and spring months; in the summer and autumn they dry up or sink before reaching their mouths, sometimes reappearing on the surface again for short distances; but in many cases presenting for many miles of their lower courses gravelly and sandy beds perfectly dry, while their upper courses flow full streams. Between Tulare Lake and the great bend of the San Joaquin, there is a depression or slough, through which the surplus waters of the lake and upper part of the valley are carried off into the river in seasons of flood; but in the summer and autumn and in dry winters, there is no communication and a person can walk dry shod from one side of the valley to the other. Around these lakes for many miles and along the communicating sloughs, and along almost the entire length of the San Joaquin and lower half of the Sacramento river, and over a vast territory of low ground about their mouths, are extensive tracts of swamp lands, covered with tules. Those about the mouths of the rivers and forty or fifty miles up, as far as the ocean tides extend, are salt marshes; those above, fresh-water marshes. It was from the immense tracts of tule swamps in the San Joaquin valley that it received the name of the Tulares or the Tulare country from the old Californians, who occasionally pursued Indian horse and cattle thieves into its

recesses. Like most of the streams of the upper San Joaquin valley, all the coast rivers running towards the ocean, south of the Salinas, sink or dry up in the lower portions of their courses in the summer and autumn months; and the Salinas itself often shrinks to a mere thread. The streams emptying into the ocean north of San Francisco are more constant; but there is this peculiarity about some of these northern rivers and particularly Russian river, that in the summer time, when they are small streams, the ocean throws up bars of gravel and sand across their mouths and frequently closes them entirely in, until the floods of winter break through the barriers and reopen the passages.

The coast line, as already stated, resembles the arc of a great circle, bulging towards the ocean. If it ran straight from the northwestern to the southwestern corner, one-third and much the most valuable part of California, including almost all the San Joaquin and half the Sacramento valley, would be submerged in the ocean. There are two prominent capes; one, Cape Mendocino, about half way between the Golden Gate and the northern boundary, and the other, Point Concepcion, about half way between the Golden Gate and the southern boundary. Mendocino is the Hatteras or storm cape, south of which the coast enjoys a milder temperature and is not exposed to the severe winds experienced to the north of it.<sup>1</sup> Concepcion marks the southern limit of the cold fogs and cool summers.<sup>2</sup> Between Mendocino and Concepcion the most prominent headlands are Point Arena, Point Reyes and Point Pinos; north of Mendocino, Trinidad Head; and south of Concepcion, Point Fermin. There are four land-locked bays, Humboldt, Tomales, San Francisco and San Diego, all of them separated from the ocean by narrow peninsulas. San Francisco, which has always been recognized as one of the largest, safest and in almost every respect finest bays and harbors on the globe is of course first in excellence; San Diego is next, and Humboldt third. Tomales is shallow and comparatively of no importance to commerce. In addition to the above, there are many open bays and roadsteads, such as those of Crescent City, Trinidad, Bodega, Monterey, Santa Barbara and San Pedro, and numerous coves where vessels can lie and load or unload except during stormy weather.

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<sup>1</sup> Duflot de Mofras, II, 35, 36.

<sup>2</sup> Hittell's Resources, § 6.

The islands of California consist of a series lying south of the Santa Barbara Channel. The first is San Miguel to the south of Point Concepcion; the next east, Santa Rosa, and east of that, opposite Santa Barbara, Santa Cruz, which is some twenty miles long by three wide and the largest of them. These are close together, about thirty miles from the mainland; all hilly and rocky, with sparse vegetation and without doubt the summits of a submerged mountain ridge. About thirty miles south of Point Fermin is Santa Catalina, and the same distance south of that San Clemente. West of Santa Catalina about forty miles and the same distance south of Santa Cruz is San Nico'as, the furthest distant from the mainland. In the center of the group is the little Santa Barbara; and east of Santa Cruz and nearest the mainland is the still smaller Anacapa. The only other islands are a group of seven small precipitous points, the largest containing only a couple of acres, about thirty miles west of the Golden Gate, called the Farallones. While sheep and cattle can be pastured on some of the southern islands, the Farallones are mere rocks, without vegetation, though the Russians at one time cultivated a few turnips there,<sup>1</sup> and have always been the resort of innumerable sea-birds and sea-lions.

There is an ocean current along the coast from northwestward to southeastward, and a continual swell and large surf, which on breakers and rocky points is thrown up into volumes of spray even in the calmest weather. The difference between the extremes of the tides at Crescent City is about nine feet; at San Francisco eight, and at San Diego seven; but in San Francisco bay the mean difference is less than six feet. One of the two daily high tides is higher than the other, and one of the low tides lower than the other, so that the most accurate tide tables give a "high-water-large" and "high-water-small" as also a "low-water-large" and "low-water-small." In the lower part of the Colorado river, at whose mouth the tide rises twenty-eight feet, it sometimes advances with an immense bore or wave, dangerous to small vessels.<sup>2</sup>

The climate of California varies according to latitude, longi-

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<sup>1</sup> Robinson, 147.

<sup>2</sup> Hittell's Resources, § 130, 131.

tude and altitude; the north differing from the south, the coast from the interior and the mountains from the plains. But it may be generally characterized as one of the most temperate, equable, healthful and agreeable in the world. The year is divided into two distinctly marked seasons, the rainy and the dry. The rainy season usually commences in October and lasts till April, during which time about the same amount of water falls as during the same period in the Atlantic States; but there is little or no rain during the remainder of the year or dry season. The northern boundary is on the same parallel as Chicago and Providence and the southern as Vicksburg and Charleston; but the isothermal line of Providence and Chicago runs through the Straits of Fuca while that of Charleston and Vicksburg, though it strikes San Diego on the coast, comes down to it from the north. The isothermal of San Francisco, whose mean annual temperature is 54° Fahrenheit, runs north to near the great bend of the Columbia river and then curves rapidly southward to the latitude of Memphis and Raleigh, thus making the largest isothermal curve within so short a distance, if some torrid circles be excepted, on the globe. In no other country is there so long a north and south isothermal as in California.

But while the mean annual temperature may be the same between two points, one in California and one in the Atlantic States, there is a great difference in the variations of temperature between the summer and the winter. In the Atlantic States the summers are very hot and the winters very cold, while in almost all of California and particularly the Coast Range region from Cape Mendocino to Point Concepcion, the winters are comparatively warm and the summers comparatively cool. This interesting and important fact is due in part to the configuration of the country but more especially to the prevailing winds, which, coming from southerly quarters in winter, elevate the temperature, and, blowing very steadily from the northwest in summer, diminish the heat of the sun. The southerly and southeasterly winds of winter come freighted with water as well as warmth; the northwesterly winds of summer come dry and bring clear skies along with their coolness but frequently line the coast from Point Concepcion northward with nightly fogs. The

usual temperature at San Francisco ranges between 49° in January and 58° in September; the mornings are usually warmer than the afternoons and as a rule the nights are cool. On rare occasions the thermometer rises to 80° in summer days or sinks to 28° in winter nights. A person of vigorous constitution and active habits can live comfortably all the year round without a fire and wear the same kind of clothing for winter and summer. The range of heat and cold becomes greater as one recedes from the coast; but in almost all the valleys the orange and the fig grow and ripen by the side of the apple and the pear. Most of the days of both summer and winter are clear and pleasant. Vancouver pronounced the climate a perpetual spring;<sup>1</sup> but a better description, perhaps, would be to call it a combination of the clear spring and the hazy Indian summer of the northern Atlantic States, without either their cold winters or their hot summers.

Snow falls in large quantities on the Sierra Nevada every winter and lies until summer; and so too on the summits of the Coast Range in the northern part of the State. On the peak of Monte Diablo and some of the highest peaks southward there are one or two slight falls nearly every winter; but the snow lies only for a day or two. At San Francisco and in the valleys generally, except at rare intervals many years apart, the ground is never whitened. In January, 1806, snow fell at the mission of San Juan Bautista; but it was the only time for seventy years up to 1842.<sup>2</sup> In December, 1838, rain and sleet together killed four hundred and fifty sheep near San Diego.<sup>3</sup> Thunder-storms are rare even in the Sierra Nevada and northern coast mountains and in the valleys as infrequent as snow-storms. According to Duflot de Mofras, thunder was so rare in California that the Indians had no word to express the phenomenon.<sup>4</sup>

Rain-storms during the wet season, on the contrary, are frequent. They commence usually about the end of October and continue with irregular intervals until April. In the latter months of the dry season the hills and plains are dry and brown; but with the first rains the verdure starts and through the winter

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<sup>1</sup> Vancouver, III, 62.

<sup>2</sup> Duflot de Mofras, II, 47.

<sup>3</sup> Cal. Archives, M. IX, 304.

<sup>4</sup> Duflot de Mofras, II, 15.

the landscape is fresh and green. In the spring and early summer the green surface changes into the bright colors of illimitable flowers, yellow, orange, pink, scarlet, crimson, purple and blue. The storms are sometimes severe and sometimes last for three or four days or a week; but usually the rain-fall is soft and regular; and not infrequently it rains only at night with days comparatively clear and pleasant. In March, 1787, a storm overthrew the warehouses at San Francisco.<sup>1</sup> In February, 1796, another storm at the same place partly unroofed the presidio, fort and church;<sup>2</sup> and in March of the next year there was another, in which the ship *San Carlos* was lost near the Golden Gate.<sup>3</sup> In December, 1798, and January, 1799, there was a storm at San Francisco, which lasted twenty-eight days and almost completely ruined the fort and houses.<sup>4</sup> Other severe storms at the same place are mentioned as having occurred in February, 1802,<sup>5</sup> February, 1804,<sup>6</sup> and March, 1810.<sup>7</sup> In January and February, 1819, the rains fell in such quantities that many of the rivers changed their beds.<sup>8</sup> But though thus specially noted, it is not likely that these storms were any severer than those which have occurred every few years since the American occupation; and none of these could be called hurricanes or tornadoes or compared with the cyclones of the Atlantic States. On the Mohave and Colorado deserts rains seldom occur but there are occasional sand-storms, when the dust and sand are carried up in dense and suffocating clouds, obscuring the heavens. Storms of the same kind but less severe sometimes rage as high north as Santa Barbara and in the upper part of the San Joaquin valley.

When the rains are general and severe, and particularly in the spring when long warm rains concur with rapid melting of the mountain snows, there are great floods. The Sierra gorges run violent torrents, which rush into the more sluggish rivers of the valleys; and the latter, being unable to carry off the superabun-

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<sup>1</sup> Cal. Archives, P. S. P. VII, 271, 272.

<sup>2</sup> Cal. Archives, P. S. P. XIV, 548.

<sup>3</sup> Cal. Archives, P. R. IV, 300; P. S. P. XV, 371-373.

<sup>4</sup> Cal. Archives, P. R. VII, 499-501.

<sup>5</sup> Cal. Archives, P. S. P. XVIII, 519, 520.

<sup>6</sup> Cal. Archives, D. S. P. X, 796, 797.

<sup>7</sup> Cal. Archives, P. S. P. XIX, 758-760.

<sup>8</sup> Cal. Archives, S. P. XVII, 630, 631.



dance with sufficient rapidity, overflow their banks and spread out over the level plains for many miles. On such occasions, the lower parts of the Sacramento and San Joaquin valleys, except where protected by dikes and levees, are almost completely submerged and present the appearance of an immense lake, with lines of cottonwood, sycamore and willow trees marking the courses of channels, with farm-houses standing in the water or on isolated knolls, with the tops of fences indicating the overflowed fields, and with groups of horses and cattle huddled on little islands. To the spectator on the top of Monte Diablo at such a time, the bay of San Francisco with its adjuncts appears small in comparison with the great muddy sea to the eastward; but he can perceive an immense volume of waters pouring steadily into Suisun bay, through the Straits of Carquinez, the Narrows and the Golden Gate, and discoloring the ocean as far as the eye can reach.

## CHAPTER XIV.

### GEOLOGY, BOTANY, AND ZOOLOGY.

**T**HE geology of California embraces some of the oldest rocks as well as some of the newest. The main part of the Sierra Nevada, and especially its highest ridges, consist of primary or granitic rocks and trachites. The granites are sometimes of a reddish or bluish color and sometimes white with small black spots, of which latter kind are the stupendous cliffs of the Yosemite Valley and the quarries east of Sacramento. Below the granites in altitude though above them in geological position and reaching down to the valleys, are secondary rocks, mainly slates, among which are found the auriferous quartz veins and gold-bearing gravels, which attracted the great immigration of 1849 and made California famous over the civilized world. These granites and slates are found also in the northern coast mountains; but the coast mountains in general are composed of cretaceous and tertiary rocks. The sandstone strata of the coast mountains, which in many cases have been metamorphosed by the action of intense heat, are greatly distorted and disturbed; in some places standing vertical, and in some turned over. They are usually broken and cracked in every direction and bear evidence of having suffered vast strains since their original deposition. There are belts of limestone in the Sierra as also in the coast mountains; and some of the latter are crowned, so to speak, with gypsum and other calcareous deposits of almost dazzling whiteness; but the usual colors of the coast hills and mountains are the greys and reds of oxides and silicates of iron.<sup>1</sup>

Volcanic rocks and lava beds are frequent in the northern half of California. Almost the whole of the stupendous mass of

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<sup>1</sup> See Duflot de Mofras, II, 44, 45.

Mount Shasta is of volcanic origin, as also Mount Lassen; and it is estimated that an area of at least ten thousand square miles, including those peaks, is covered with lava of various kinds. In an age before the volcanic action in this part of the world closed, there were great channels, between what is now the summit and foot of the Sierra Nevada, into which gigantic lava streams flowed and hardened: afterwards the banks on the sides of these streams, being of softer material, were gradually worn and washed away, leaving the volcanic rocks in the form of steep mountains, flat on top and sometimes as much as a thousand feet high above the adjacent country. The Tuolumne Table Mountain, thirty miles long and a half a mile wide, is an example of this kind of geological change; and the Oroville Table Mountain, nearly as long, is another. In a still earlier age, the channels referred to became partly filled with beds of gravel, sand and clay, containing large quantities of gold in the shape of nuggets and scales; and for this reason some of the richest auriferous deposits are found by sinking through or tunneling under these old lava streams. In the Coast Range, Mount St. Helena was a volcano, which left wide traces of former activity, extending for many miles in the shape of basalt, trap and tufa.<sup>1</sup>

There are at present no active volcanoes, nor is there any evidence that there have been any such within the present geological period; but there are solfataras and hot springs in considerable numbers. In 1784 it was reported that a volcano existed at the sea beach near Santa Barbara,<sup>2</sup> but it was nothing more than the solfatara, which still heats the earth and emits sulphurous fumes about fifteen miles eastward of that place. The two most remarkable of the solfataras are the Geysers in the Coast Range about fifteen miles northwest of Mount St. Helena and the so-called mud volcanoes in the Colorado Desert. Both emit large quantities of steam and sulphurous vapors with a hissing noise. In the Geysers some of the steam jets emerge in springs of water, causing them to boil and bubble and spurt with considerable violence. In the mud volcanoes similar jets emerge in pools of mud, and occasionally, when the channels are stopped up for a time, explosions occur and great masses of mud are thrown up fifty or a hundred feet into the air. In both cases

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<sup>1</sup> Hittell's Resources, §§ 261, 262.

<sup>2</sup> Cal. Archives, P. R. I, 487.

the phenomena seem to be due entirely to the chemical action of water passing through vast mineral deposits, upon which it has an effect something like that of water upon unslacked lime, and not to any connection with the supposed great internal volcanic fires. And the same may be said of the numerous hot springs, usually sulphurous, which are found in almost all parts of the country. Mineral springs of different kinds are almost numberless throughout the State.

Slight shocks of earthquakes are not infrequent; but none of really violent or dangerous character has been known to occur. An old or badly constructed building has occasionally been thrown down, and a few people have been killed by falling roofs or walls; but there has been nothing in the experience of the oldest inhabitants to occasion or justify fear or dread. The first one recorded, occurring on October 11, 1800, consisted of six consecutive shocks and tumbled down the habitations of San Juan Bautista.<sup>1</sup> The next month another occurred at San Diego, extending as far as San Juan Capistrano;<sup>2</sup> another in April, 1803, at San Gabriel;<sup>3</sup> another in March, 1806, at Santa Barbara,<sup>4</sup> and another in June 1808 at San Francisco.<sup>5</sup> The most disastrous shock occurred in December, 1812, when the church of San Juan Capistrano was thrown down and forty Indians killed by its fall. The same shock extended northwestward and damaged the churches of San Gabriel, San Buenaventura, Santa Barbara, Santa Inez and Purísima.<sup>6</sup> In 1818 the church of Santa Clara was damaged and in 1830 the church of San Luis Obispo.<sup>7</sup> Such are the principal cases reported previous to the American occupation. There is no reason to suppose any of them more violent than shocks which have occurred since and which in no case have injured any moderately well-built structure. Of these later convulsions the most remarkable were a shock extending from the Colorado river to the Sacramento in January, 1857; one just south of Monte Diablo in July, 1861;

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<sup>1</sup> Cal. Archives, M. & C. I, 348.

<sup>2</sup> Cal. Archives, P. S. P. XXI, 135.

<sup>3</sup> Cal. Archives, P. R. XII, 66.

<sup>4</sup> Cal. Archives, P. S. P. XIX, 327.

<sup>5</sup> Cal. Archives, P. S. P. XIX, 676.

<sup>6</sup> Cal. Archives, M. IV, 209-224.

<sup>7</sup> Cal. Archives, M. V, 276.

one at San Francisco in October, 1868, in which several persons were killed by the falling of newly-constructed brick walls; and one in March, 1872, in the valley of Owen's Lake, during which a number of cheap adobe buildings were thrown down and over thirty persons killed. As to the old churches, which were overthrown or injured by earthquakes in colonial times, it is to be borne in mind that they were the same kind of ill-constructed buildings that were frequently unroofed and battered by the ordinary northwesterners of San Francisco.

Gold in greater or less quantity is found in almost all parts of California; but the principal deposits thus far discovered are on the west slope of the Sierra Nevada. It occurs there in quartz veins, in the gravels and clays of ancient river beds and in the beds of existing water courses. In the gravels and clays the larger particles are usually found at the bottom of the strata or streams on what is called the bed rock; but in general the particles are exceedingly fine and can only be collected by passing the earth containing them through streams of water over quicksilver, upon which the particles fall and with which they amalgamate. Quartz veins are sometimes found so rich that gold is seen in every part and in some very small portions make up half the volume; but often the rock appears to the naked eye entirely void of the golden color and yields its wealth only after being stamped into powder and passed over quicksilver like the floury particles of the gravels and sands. The mines of the Klamath river and northern coast mountains, as well as those in the neighborhood of Los Angeles, are usually river bed or placer deposits; but throughout the coast mountains, small quartz veins, containing particles of the precious metal though usually not enough to justify working, are found injected through the sandstones.

Silver ores are found in various parts of the country; but the chief valuable deposits are east of the main crest of the Sierra Nevada and south of Lake Tahoe. There is something remarkable in the fact that the gold should be on one side of the mountains and the silver on the other, for which geology has not yet found an adequate explanation. The gold occurs in its virgin or pure state; the silver in ores of different kinds. With the river-bed or placer gold, and particularly in Klamath valley,

platinum is sometimes found and a few other rare metals; with the silver ores it is usual to find lead ores and copper ores and almost always a little gold. There are valuable silver mines near Owen's Lake; but most of the great argentiferous deposits are east of the boundary line and therefore beyond the limits of California.

While the west slope of the Sierra is thus rich in gold and the east slope in silver, the Coast Range may be said to be equally rich in mercury or quicksilver. This metal is sometimes found pure, distributed in small globules through porous rocks; but its usual form is in the ore known as red cinnabar; and as such it is found in large quantities at various points of the Coast Range from Santa Barbara to Shasta. It appears to have been known to exist near Santa Barbara as early as 1796;<sup>1</sup> but the first discovery of a valuable deposit was made in 1845 at the place afterwards called New Almaden in the mountain ridge to the south of San Jose.<sup>2</sup> The Indians had been in the habit of resorting to the neighborhood from time immemorial for the purpose of procuring a red substance, which they found among the rocks there and which they used for paint. This substance was in fact an impure quality of vermilion, a sulphide of mercury. In 1824 the whites, whose attention was called to the place by the Indians, were satisfied that a mine of some kind existed there; but it was supposed to be either gold or silver. In 1845 Andres Castillero, the same person who was instrumental in the discovery of the placers of gold near Los Angeles, made a careful examination and found the ore to be that of quicksilver. He placed some of it on a hot brick and drops of mercury ran out.<sup>3</sup> But his most interesting and satisfactory experiment was to put bits of the powdered rock or ore in an old gun-barrel and place it in a fire, with the muzzle in a pot of water. The effect of the heat was to drive off the quicksilver from the ore in the form of vapor, which was condensed in the water; and, notwithstanding the rudeness of the apparatus, at least twenty per cent. of metal was thus collected.<sup>4</sup> After the discovery at New Almaden, other vast deposits were from

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<sup>1</sup> Cal. Archives, P. R. VI, 71.

<sup>2</sup> Cal. Archives, D. S. P. VI, 462.

<sup>3</sup> U. S. vs. Castillero, Transcript, I, 413.

<sup>4</sup> U. S. vs. Castillero, Transcript, IV, 2676.

time to time discovered, first at New Idria south of New Almaden and afterwards in various places near St. Helena, until it finally became apparent that the Coast Range was, so to speak, full of quicksilver.

There is scarcely any metal that is not found in California. There are rich beds of copper and iron ore in the Sierra and tin ore near Mount San Bernardino. Not only the sands that are washed down from the interior, but those which are blown up from the ocean, are full of iron dust. The black sands of the river bars, among which gold is often found, owe their color to particles of iron; and if the poles of an ordinary magnet be passed through a handful of sand picked up anywhere on the dunes along the ocean, they come out thickly covered with black particles of iron adhering to them. Lead ores are found associated with the silver ores; and nickel has also been found; but none of these mines has as yet to any great extent been developed. Sulphur, manganese, borax, gypsum, graphite, rock salt, soda, alum, silica, cements and valuable clays are plentiful, besides many other lesser known minerals. A few diamonds and other precious stones have been found.

The geology of California is wanting in what are known as the old carboniferous rocks; but there are some beds of lignite or tertiary coal, which resembles and answers nearly all the ordinary purposes of true coal. It is bituminous in character and burns with a brilliant and hot flame. Large beds of it are found in the Coast Range, particularly in the neighborhood of Mount Diablo. Bitumen, petroleum or asphaltum is very plentiful at various points along the coast from San Francisco to San Diego. It makes its appearance in the form of springs of a dark, viscous, odorous fluid, which on exposure to the air becomes thick and except in very warm weather hardens. Some of these springs near Santa Barbara and others near San Diego pour their oil into the ocean; and the waters there for many miles from shore are sometimes observed to be perfectly smooth and tranquil on account of the thick, slimy, iridescent scum of petroleum floating on the surface and smelling something like burning tar.<sup>1</sup>

But more valuable than all the metals and mines is the soil of

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<sup>1</sup> Vancouver, IV, 325.

California. Duflot de Mofras described it as a mixture of silicates, marls, freestone, gypsum, kaolin and ochres of various colors, the alternations between fresh water deposits and those formed from the sea being easily distinguished by the shells contained in the latter. Many parts of the coast have been covered by the sea within a comparatively recent geological period, as is shown by the shells found in the valleys and on the hills. The great interior valleys were covered at an earlier date, as is indicated by the scattered boulders—the droppings of icebergs—which are met with in the interior but are wanting along the coast. The mould, formed of organic detritus, has often a depth of several yards and is extremely fertile. The humus is never bare; herbage covers it all the year round; grasses attain the height in some places of eight or ten feet; and the trees are among the largest in the world.<sup>1</sup> Humboldt described the soil of Alta California as being as well watered and fertile as that of Baja California was arid and stony.<sup>2</sup>

While there are great and valuable forests in California, most parts of the country, including large portions of the Sacramento and San Joaquin valleys, the eastern slopes of the Coast Range and the Coast Range south of Santa Barbara, are almost or entirely treeless. The forests depend upon the rain-fall as well as upon the soil: where both are favorable they are magnificent; but the ordinary Californian landscape presents a view of mountains or hills that are bare and thickly furrowed from top to bottom with water-worn ravines. It is a common spectacle to see one side of a ridge or mountain or even a small hill thickly covered with timber and the other side entirely destitute. Sometimes the winds have a determining influence and in some places accordingly trees are to be found only in sheltered nooks or on lea slopes or within comparatively calm belts; but ordinarily there are forests only where there is a more than average rain-fall. For this reason, as might be expected from what has been already said in reference to the precipitation upon the western slope of the Sierra, the most extensive growths are to be looked for in those regions; and there they are found. Next to the Sierra in abundance of forests is an irregular strip along the coast

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<sup>1</sup> Duflot de Mofras, II, 44-46.

<sup>2</sup> Humboldt, New Spain (Black's), II, 340.



extending from the northern boundary to near Point Conception, wider in the north and narrower in the south. There is a forest on the shoulders of Mount San Bernardino and groves in places near the foot-hills back of Los Angeles; but these groves, like those in the Sacramento and San Joaquin and northern coast valleys, rather mark the course of streams or consist of scattered trees than can be called forests or even woods. On the Sierra the timber extends from the foot-hills to near the summit; but the finest forests are at an elevation of from two thousand to six thousand feet. On the coast the timber extends from near ocean level to an altitude in some places of from three to four thousand feet. On the east slope of the Sierra there is very little timber; and on the Mohave and Colorado deserts there are no trees at all except spongy varieties of yucca and cactus and a few low varieties of acacia called mesquite.

The botany is peculiar and differs in various respects from that of all other parts of the world. The sequoias, a generic name given to the mammoth trees of the Sierra and to the redwoods of the coast, are found only in California. They are evergreen coniferæ and under favorable circumstances grow up with almost perfect symmetry and straightness to immense heights. Some of the sequoias of the Sierras or so-called "big trees" are over three hundred feet high, with a diameter of over thirty feet near the ground and regularly tapering to the top, though in many instances and in some of the largest trees the tops and upper limbs are distorted or broken by the snow. The limbs are comparatively short and small and in some cases only found near the top, so that the tree often resembles a great monument with a clump of foliage at the summit. The bark is sometimes a foot and a half or two feet thick and of the color of ground tan-bark; the wood resembles red cedar but is softer; the cone is not much larger than a walnut without the hull. This stupendous tree grows at an elevation of from three thousand to five thousand feet, but exists only in a few widely separated groves between the latitudes of Lake Tahoe and Kern Lake.

The redwood, on the contrary, though limited to almost as narrow a range on the coast as the big trees in the Sierra, being found only between the latitudes of the Oregon line and the

Salinas river, grows in extensive and dense forests. It resembles the "big tree" in almost all respects but is superior in all, except size, and in size often approaches it. There are many redwood trees nearly three hundred feet high and twenty feet in diameter. Trees six or eight feet in diameter and two hundred feet high, with trunks nearly perfectly straight and limbless for eighty feet, are not uncommon. As a rule the limbs are more frequent and the foliage denser than those of the big tree, and the tree itself more symmetrical and beautiful. In the eyes of many persons, it is the most beautiful tree that grows, as the redwood forest is the most beautiful forest in the world. In some places the trunks are so closely crowded together that it is difficult to go any distance in a straight line or to see a hundred feet in any direction. In other places, where the trees are not so close, the foliage is still so thick eighty feet overhead as to admit only a tempered light; and one seems to be in an immense cathedral of gigantic columns and sublime arches and in an atmosphere redolent with an invisible incense. The wood in color, like that of the big tree, resembles red cedar. It is admirably adapted for building purposes, being light, soft, straight-grained, easily worked and durable; and on account of these qualities and its accessibility along the coast, it is of all Californian timbers of most commercial value. Immense quantities are annually used for building, fencing and railroad ties. Many of the forests have already been thinned out; but the tree is of quick growth and in the course of time it will be cultivated and cared for.

Next to the sequoias in magnificence is the sugar pine, which grows both in the Sierra and the northern coast mountains at an altitude of from two to six thousand feet. It also sometimes reaches the height of three hundred feet and the diameter of twelve; but the more ordinary size of large trees is about two hundred feet in height by from five to eight in diameter. Like the sequoias, almost all the growth is in the trunk, which is even more straight, regular and branchless than the redwood. While the redwood has a dark green feathery leaf, something like a fir, the sugar pine bears the regular piney needles in clusters of five, about three inches long and of a bluish-green color. The cones are very large, often a foot and a half long. The wood is white, soft, clear, easily worked and durable, resembling the

white pine of the Atlantic States. It is the chief building material of the Sierra and of the valleys supplied from the Sierra. On the coast it is not as accessible as the redwood and therefore not as yet of as great commercial value; but as to intrinsic value it is difficult to decide between the two woods, the redwood being preferable for outside work and exposure to the weather or moisture and the latter for inside work and many other purposes. The sugar pine derives its common name from a sweet whitish resin or sugar, which exudes from its sap.

The yellow pine and red fir are next in size and both grow into stupendous trees almost as large and in some cases equaling the redwoods and sugar pines. They are still more plentiful than either of the others. Both are valuable for their lumber, the pine principally for flooring, and the fir for ship-building, studding, planking and other like purposes. There are many other species of pines and firs, among them the nut pine, which produces a sweet edible nut distributed through its large cones, and various balsam and resin producing firs. Of the cedars, there are several species, of which the arbor vitæ attains almost as large a growth as the redwoods and sugar pines. Many species of these different coniferæ are planted in gardens and parks; but the most remarkable of the ornamental trees is the Monterey cyprus, which is found in its native state only at Monterey. It is of quick and hardy growth, easily propagated and thrives under the trimming shears.

Of the other evergreen trees the most common and beautiful is the Californian laurel or bay, which grows in the Coast Range to a height of fifty feet or more and a thickness of trunk of two or three. The foliage is dense, dark green and has a strong aromatic odor. The wood is very hard, yellowish grey in color and makes beautiful furniture and veneering. Another beautiful evergreen is the Californian nutmeg, growing to about the same size in the coast mountains near San Francisco; but the most striking of all these evergreens is the madroño, remarkable for its large magnolia-like leaves and bright red trunk and limbs. It grows into a large tree, with very hard wood; and bears a peculiar, white, wax-like flower and bright red berries. Another evergreen, found chiefly at a great elevation on the eastern slope of the Sierra, is the mountain mahogany: it has a low growth,

crooked trunk, leaves bright and glossy, and in spring bears a yellow blossom very fragrant. The wood is red, hard, heavy and susceptible of a high polish.<sup>1</sup>

There are various varieties of oaks, the most characteristic of which is the white oak. It grows in open groves in the foothills of the Sierra and in the Coast Range and dispersedly over the valleys. It seldom grows more than sixty feet high, but often spreads more than a hundred feet from side to side, with a trunk six or eight feet thick. In some instances the small outer limbs are very long and droop like vines. The wood is knotty and brittle and of no use except for fire-wood; but the tree is one of the most majestic that can be found. A great part of the quiet beauty of the valleys is due to it. Vancouver in riding from San Francisco to Santa Clara was enchanted with the groves he passed through, pronounced them delightful, and compared miles after miles of the country to an English park.<sup>2</sup> The acorn is sometimes over two inches long; and in primeval times it furnished a chief article of food for the Indians. There are varieties of black and red oaks and several evergreens, one of which, called the chestnut oak, furnishes an excellent tan-bark, and another of which so closely resembles a full grown apple tree in size, shape and general appearance that new-comers have been known to mistake groves of them for immense orchards. There is a species of sycamore found along rivers and streams, resembling the sycamore of the western Atlantic States but differing from it, among other respects, in bearing, instead of single balls, a series of small balls strung three or four inches apart on the same stem. There is also a Californian walnut, with small and very thick-shelled nuts; but the tree is rare. Wild plums are found in some places on the mountains and crab apples; but they also are rare. The Californian wild cherry is rather a bush or shrub than a tree. Alders, cottonwoods, willows and maples are common along some of the streams; in the mountains there are varieties of ash and birch and in the woods along the coast dogwood and elders.

There are three peculiar bushes, sometimes growing into small trees, which attract the attention of the observer in almost all

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<sup>1</sup> Hittell's Resources, § 291.

<sup>2</sup> Vancouver, III, 28, 29.

parts of California. These are the buckeye, the manzanita and the poison-oak. The buckeye usually throws out a dozen or more stems from the ground ten or fifteen feet high, which in the spring and summer are densely covered with a dark green, large-leaved foliage and crowned with great spikes of fragrant flowers; but in the autumn and winter nothing but the white, dead-looking stems remain, bearing a few pods. The manzanita is a dense, clump-like shrub, rarely over twelve feet high and usually as broad as it is high, with many crooked deep-red colored branches and light green foliage. It bears a sweet-smelling pinkish blossom in the spring and a small, sourish, apple-like berry, green in the summer and reddish in the autumn. The poison-oak is a vine, a bush or a small tree according to circumstances. In moist, rich ground it has a luxuriant growth; prefers places partly shaded; sometimes becomes a climber on the white oak, and sometimes grows in large thickets. It is found almost everywhere and upon many persons produces, particularly in spring, severe, irritating, cutaneous eruptions. In the early spring the leaves come out small and of a delicate red color, but soon grow large, deep green and glossy. In the autumn these leaves usually turn to a deep red. At almost all times, except when denuded, it is beautiful to look at and makes a pleasant part of many landscapes. The majority of persons are not affected by it, while a few are more or less severely poisoned by its very effluvium. Horses and cattle often eat its green leaves.

The ceanothus or Californian lilac, of which there are many species, is usually a shrub though sometimes a small tree, and the same may be said of the azaleas and rhododendrons. The first has a very dense, dark, evergreen foliage, with small glossy leaves, and bears clusters or plumes of sweet-smelling flowers, usually light blue, violet or pink according to species or variety. It thrives under the trimming shears and under cultivation is highly ornamental. The azaleas prefer moist places on the banks of creeks and in favorable locations grow into trees, covered in the spring and early summer with large white and pink flowers, beautiful to the eye and of a delicious perfume. The rhododendrons are sometimes shrubs but more usually trees. They prefer high ground, shaded by taller growths. The leaves are large, dark green and glossy, like the madroño; the flowers

large, clustering, in some respects resembling the azaleas, but deep red in color.

A very marked characteristic of large portions of California is what is called chaparral. It is a dense, almost impenetrable scrubby thicket of various kinds of growth, often manzanitas, but sometimes scrub oaks or buckeye, ceanothus, whortleberry, poison-oak, white thorn, brambles or some other low, thick, compact bush or two or more different species combined. In many instances it covers the hills or mountain sides for many miles and almost all the ravines are full of it. There are stretches of country, hundreds of square miles in extent, so entirely covered with it as to hide the color of the earth and so thick and regular that at a distance it looks as if one could walk over the top; and in many places trails have to be cut to get through it.

Forest, chaparral and prairie fires have always been more or less frequent. Under the Spanish rule, when a fire commenced, the presidial soldiers and neophytes were accustomed to go out in hundreds to fight the flames and often managed to overcome them; but under the Mexican regime there was much negligence and many parts of the settled country were from time to time devastated.<sup>1</sup> When a fire got well under way, it sometimes traveled for many miles, destroying everything in its progress. Robinson described one that commenced back of San Buena-ventura and swept northward beyond Santa Barbara.<sup>2</sup> In passing through the forests the flames would leap to the tops of the trees and consume the foliage and smaller limbs and sometimes entire trees; but often the charred trunks would be left standing. In passing through manzanita chaparral, everything would be burned except the hard branches, which would remain denuded of their bark but covered with soot until washed by the rains. In the dry grasses and herbage of the valleys and in some of the chaparral, the flames would rush and roar along with great rapidity, enveloping everything with fire, obscuring the heavens with dense volumes of smoke and leaving nothing but a black track of ruin to mark their destructive course. Throughout the timbered regions, many of the old trees show marks of fire; and most of the fallen trunks are more or less charred. The "Grizzly Giant," a sequoia in the Mariposa grove near the Yosemite

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<sup>1</sup> Duflot de Mofras, II, 51, 52.

<sup>2</sup> Robinson, 98, 99.

Valley, supposed to be the largest standing tree on the globe, is partly burned at the stump; and a fallen monster in the Calaveras grove had been hollowed out by fire so that as it lay on the ground, two or three persons could ride through it on horseback side by side and erect, for a distance of eighty or a hundred feet.

Among the parasitic plants are the mistletoe; the Spanish moss, which hangs in long, gray, lace-like beards from the limbs of trees; a bright yellow moss found on the trees of the high Sierra, and various fungi. Wild grapes, blackberries, gooseberries, whortleberries, raspberries, salmonberries, strawberries, and various other kinds are common. There is a peculiar, onion-like bulb, known as soap-root, which rubs up with water into a lather and has sometimes been used as a substitute for soap; and among the herbs is a strongly aromatic species, very common, called by the Spaniards *yerba santa*, and the little minty vine called *yerba buena*, from which the village, which afterwards grew into the city of San Francisco, derived its original name. Robinson mentioned an herb, probably the *yerba de la vibora*, as a specific against rattlesnake poison, and another as healing the most dangerous wounds without the accumulation of pus, and still another, called *conchelagua*, as a sure cure for fever and ague;<sup>1</sup> but so far rattlesnake bites and severe wounds are as dangerous as ever, and there has been no diminution in the use of quinine as a febrifuge.

The tule is a peculiar species of bullrush or reed, which grows in round stalks, without leaves, in the lowlands about the heads of the bays, around lakes and ponds and along the lower parts of river courses. It is usually about eight feet high and always found in ground more or less covered by water. It grows in salt, brackish or fresh water swamps; but it seems there are different varieties, some of which are eaten by cattle and the roots of nearly all of which are eaten by hogs, though as a rule the tules in general are regarded as comparatively worthless. Taken altogether there are several thousand square miles of so-called tule lands, which will some day, probably, be reclaimed—as some have already been—and made among the richest and most productive in the country. In the lower part of the State and on the deserts there are various species of cacti, some large and

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<sup>1</sup> Robinson, 13.

some small, a few palms, yuccas and mesquites; but nothing else requiring special attention in the very general view which is here designed.

Of the uncultivated nutritious herbage, the wild oats is perhaps the most important. It grows luxuriantly, in some places eight or ten feet high, and in almost all the valleys and on the open hill-sides west of the Sierra from one end of the country to the other. The burr-clover is a peculiar, widely distributed trefoil, bearing small yellow flowers in clusters of three, which produce small spherical burrs, as large as peas, formed of spiral sheaths containing seeds. These burrs, first green and then brown, fall in immense quantities on the earth in the summer and sometimes cover it nearly an inch deep. In the autumn, when everything is dried up and the earth seems bare, cattle live and thrive on these burrs, which they lick up from the ground. There are many other species of indigenous clover; one having a large, yellowish-white bloom, an inch or more in diameter, and very sweet, a favorite food of bears and Indians and commonly called bear-clover, and others having white, pink or red blooms. The alfilerilla or pin grass bears a leaf resembling some of the geraniums and numerous clusters of spikes an inch and a half long, resembling thick pins. Like the wild oats and burr-clover, it is abundant, and like them it drops its seed in great quantities on the ground. When the dry weather comes and the ground cracks, the grains of the one, the burrs of the other and the pins of the third, such as are not picked up by cattle, sink into the cracks, and when the rains come those nearest the surface swell and sprout, making an abundant harvest for the next year. Besides these plants there are grasses of various kinds and flowers in almost unlimited numbers, including golden poppies or eschscholtzias, buttercups, mallows, pinks, nemophilas, roses, violets, larkspurs, and lilies without end. The grass starts and the hills and valleys grow green, soon after the first rains, in November or December; in February and March the flowers commence; at one time the prevailing hue is golden, at another yellow, at another red, at another blue and at another purple, according to the predominance of the blooms; and one tint or another or a variety covers the plains and clothes the hills to their very summits,



The principal indigenous animals of California are grizzly bears, black bears, cinnamon bears, cougars, wild cats, gray wolves, coyotes, foxes, badgers, raccoons, opossums, mountain cats, weasels, skunks, porcupines, squirrels of various kinds, jerboas, rats and mice, gophers and moles, elks, deer, antelopes, mountain sheep, hares, rabbits, whales, sea-lions, seals, porpoises, sea otters, beavers, eagles, vultures, buzzards, crows, ravens, magpies, hawks, owls, road-runners, goat-suckers, woodpeckers, humming-birds, fly-catchers, singing birds of many kinds, grouse, quails, pigeons, doves, swans, geese, ducks, gulls, cormorants and other swimmers, cranes, curlew and other waders, lizards, toads, turtles, newts, eels, sharks, halibut, turbot, soles, sea bass, sheep's-head, codfish, mackerel, sturgeon, perch, herrings, smelts, tom-cods, sardines, salmon, trout, suckers, and many other fish, rattlesnakes and a few other serpents, crabs, oysters, clams, mussels and snails, tarantulas, scorpions, bees, hornets, wasps, beetles and various other insects.

The grizzly bear is the largest of the carnivora and one of the most formidable animals in the world. He grows to a height of four feet and a length of seven or eight and attains a weight of two thousand pounds. His hair is coarse, usually gray but sometimes brownish and dark brown on the legs. His strength is tremendous, being able to knock down a bull or carry off a horse. It is difficult to kill him and, even when pierced to the heart with a rifle-ball, he often lives for some time. It is seldom that he attacks man; but when wounded he is ferocious. He usually dens in the chaparral and rarely attempts to climb a tree. He lives chiefly upon grass, clover, berries, acorns and roots, but is fond of beef, veal, venison and especially pork, when he can get them. He has been known to lie on his back in a grassy plain and throw his huge legs in the air to attract too inquisitive cattle close enough to enable him to seize them and, having seized a prize, to carry it off bodily. He will break into a corral and carry off a calf, sheep or pig as a cat carries off a mouse. Cases have been known of sagacious old bears that have decimated herds and flocks and been the terror of neighborhoods for years.

In early times grizzly bears were very plentiful all over the country and did great damage to the cattle and gardens of the

first settlers.<sup>1</sup> In 1799 the troops of Purísima made a regular campaign against the bears of that region.<sup>2</sup> In July, 1801, Raymundo Carrillo wrote from Monterey that the vaqueros in that neighborhood had within the year killed thirty-eight bears, but that the depredations by others continued unabated; and he proposed an ambuscade by the troops at a certain place where the carcasses of a few old mares should be exposed.<sup>3</sup> Notwithstanding repeated expeditions against them, bears continued to be plentiful down to the time when the American hunters and trappers came to the country; but they then began to be thinned out. At the time of the American occupation there were still many, but, as the country filled up, they became scarcer and are now only found in remote places. As a cub the grizzly is very clumsy but at the same time very playful. If taken at an early age, he can be easily tamed and becomes kind and affectionate. In 1855, a hunter named Adams brought to San Francisco and for several years exhibited, among others, two old grizzlies, which he had tamed and trained to accompany him in his hunting excursions and to pack his blankets on their backs.<sup>4</sup>

The black bear is comparatively scarce; but the cinnamon bear, a nearly allied species, so called from the color of his coat, is more common than the grizzly. He is a climber and prefers the timber, though also found in the chaparral. The cougar, wild cat and gray wolf are much like those in the Atlantic States. The coyote, which occupies as it were an intermediate place between the wolf and the fox, partakes of the nature of both, being at the same time cruel, cunning and cowardly. It resembles the prairie wolf. There are several varieties of foxes, of which the gray is found in almost all parts of the country, and particularly the timbered portions. The badger is most abundant in the Sierra; the raccoon along the coast; the opossum, weasel and porcupine scarce. Mountain cats, small animals which may be said to be intermediate between the foxes and raccoons, are plentiful in the foot-hills of the Sierra. Skunks are

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<sup>1</sup> Cal. Archives, P. R. II, 658.

<sup>2</sup> Cal. Archives, P. R. VI, 205.

<sup>3</sup> Cal. Archives, P. S. P. XVIII, 118-120.

<sup>4</sup> Hittell's Adventures of James Capen Adam, *passim*,

generally distributed. Gray squirrels and chipmonks, resembling those in the Eastern States, are plentiful; but the most common squirrel of the country is the ground or burrowing squirrel, properly called *spermophiles*. They resemble prairie-dogs and on account of their great numbers and industry in laying up food for the winter are very destructive to the grain crops. They usually live in small communities in the valleys or on open hill-sides. Their burrows are generally used as places of residence by small owls, which come out and commence their search for food at dusk after the squirrels have retired for the day. Often the rattlesnake is found in the same burrow with the squirrel and the owl. Rats and mice of indigenous species are abundant, some of them being of the jumping species called *jerboas*. Bats also are abundant. The mole is scarce, but the gopher, which resembles the mole, but is larger, being six inches long, brown in color, with large pouches in his cheeks, is very abundant and very destructive to the roots of fruit trees, garden vegetables and grain.

Elks were, before the advent of the American hunters, common in all the valleys and scoured the plains in great herds; but they have been driven back and are now very scarce, being found only in a few remote places. Elk horns, often measuring three or four feet from tip to tip, are still sometimes found crumbling into dust on hill-sides and in ravines where they are passed untouched by plow and harrow. Black-tailed deer, differing very little from the white-tailed deer of the Atlantic States, are still to be found in the mountains and hills; but they used to range in vast numbers. In 1835, when Dana sailed into the bay of San Francisco, the hills around and the islands in the bay were overrun with them. On a sloping bluff near the Golden Gate, under which his vessel anchored, there were herds of hundreds upon hundreds, which stood still and looked at the ship until, frightened by the noises made for the purpose of seeing their graceful movements, they bounded off.<sup>1</sup> At the same time vast numbers of antelopes ranged over all the valleys; but, like the elks, they are now scarce. While deer are still found in almost all parts of the State, there are only a few straggling elks in the Klamath region and a few straggling antelopes near

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<sup>1</sup> Dana, 268.

**Tulare Lake.** Mountain sheep are occasionally seen among the cliffs along the whole length of the Sierra; but they are very rare. They may be said to be intermediate in size and appearance between elks and domestic sheep. The horns of the rams resemble ordinary rams' horns, but are exceedingly large. They are frequently found much battered, the results probably of their combats with one another; but some of the old mountaineers assert that the rams jump down precipices, alight head first upon their horns and then, with a rebound and somersault, alight upon their feet.<sup>1</sup>

There are several varieties of hares, the largest of which, usually called the jack-rabbit, has a body sometimes two feet long and exceedingly long ears. It is still not uncommon; but by no means as plentiful as a few years ago. The cotton-tail rabbit, a small specimen, not larger than a squirrel, with lead-colored fur and a tuft of white on the tail, is very common. While the hare prefers the open valley, the cotton-tail affects the brush, thickets and chaparral, for which reason it is not so much disturbed by the settling up of the country and will therefore probably continue plentiful when the jack-rabbit shall have become almost extinct.

Whales are sometimes common along the coast and occasionally enter the bays. They are usually of the kind known as the California gray whale, a hump-back species. At Monterey bay, which is favorite cruising ground for them, they are often hunted for their oil. Sea-lions or marine wolves, a large species of seals, are very common. Great numbers are to be seen at any time on Seal Rocks near Point Lobos, also at the Farallones, at Point Reyes and various other points north and south. They sometimes attain a length of nine feet and a weight of two thousand pounds. They are covered with short hair, varying in color from dark brown to light brownish-yellow. Their ordinary food is fish, but they are also said to catch swimming birds. In the water they are exceedingly active and go off on excursions from their ordinary haunts for many miles; but on the rocks, where they are fond of basking, their movements are slow and awkward. Finding a firm hold for its flippers, the animal lifts its long body, with an upward bend, and drags its combined feet

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<sup>1</sup> Hittell's Resources, § 309.

and tail forward till these find a hold, from which as a purchase it pushes the body forward; and so on somewhat in the manner of a measuring worm. Notwithstanding this difficult locomotion, it climbs nearly vertical rocks forty or fifty feet high. Great numbers congregate on the same rocks, so close together as to entirely cover it. Those which get highest and are undisturbed go to sleep and remain quiet; but those below, which are struggling up, and those which are disturbed, utter repeated hoarse barks, growls, or roars. These growls, however, are neither expressions of anger, nor of pain, though the animals in their movements, and particularly when disturbed or in uncomfortable positions, sway their bodies from side to side as if writhing in contortions of agony; but they are the ordinary utterances of the creatures as the bark is of the dog or the howl is of the wolf. Where their numbers are large, as at Seal Rocks, their roaring is continuous and pitched in a key high above that of breakers and surf. If frightened, while thus lying on the rocks, they plunge off into the waters or, if too far distant for a jump, they rush towards the water with rapid lunges. For such huge and apparently unwieldy bodies, their jumping powers are extraordinary. A large specimen, weighing about a thousand pounds, which was kept for several years in a salt water tank in a place of public resort at San Francisco, would climb up a steep rock and jump off eight or ten feet after fish tossed towards him, almost invariably catching and swallowing them in the air before reaching the water.

Seals are abundant. The fur-bearing species was once found but is now scarcely ever seen. Porpoises are not uncommon. Of the otters and beavers only a few linger. The mink is also sometimes found. But the days of fur-hunting, which was once a great business in California, are gone; and it cannot be long until wild fur-bearing animals will be curiosities in the country.

The golden and bald eagles, fish, chicken and various small hawks and the buzzards are very similar to those in the Atlantic States; but the Californian vulture is peculiar and is, next the condor, the largest bird that flies. It is in full growth about four feet in length and measures from tip to tip of its outstretched wings ten feet. Of the owls there are nine species, ranging in size from the great horned to the burrowing and

pigmy owls. The latter two are peculiar, the first as the hole-companions of the spermophiles and rattlesnakes already mentioned, the second as daylight owls. The road-runner is a species of cuckoo, which frequents the valleys and low hills. It seldom flies but runs with great swiftness. In the southern part of the State it is said to kill rattlesnakes by surrounding them with a ring of thorny cactus leaves, preventing their escape, and then pecking them to death. There is a whip-poor-will and several night-hawks, sometimes called goat-suckers. The wood-peckers include about a dozen different species, the most remarkable of which is the very common one called the "carpintero" or carpenter. It provides for winter by boring innumerable small holes in the bark and sometimes in the dry wood of pine, redwood or oak trees and sticking in each an acorn. These holes in many trees are not more than an inch or two apart and cover the trunk from within two feet of the ground to a height of fifty feet and more, and limbs are sometimes also covered. The acorns are packed in tight; and in some instances it is said that small stones are wedged in the holes in front of them. Squirrels occasionally depredate on the stores thus provided; but if caught in the act, the birds dart upon them and with screaming and pecking drive them off.

Humming-birds, of which there are four kinds, are abundant. There are eleven species of fly-catchers; and of singing birds over a hundred species, including mocking-birds, thrushes, jays, bluebirds, robins, larks, blackbirds, grosbecks, finches, wrens, martins, swallows, warblers and others. Many of them are peculiar to California and almost all differ in some respects from birds of the same name in the Atlantic States. The sand-hill cranes are the same; but the grouse, quails and pigeons are larger and specifically different from birds of the same name east of the Mississippi. The grouse, pigeon and mountain quail usually prefer the timber; the ordinary Californian quail, which is very abundant, the low hills and valleys. The quails are especially handsome and finely marked. The doves are similar to eastern varieties.

Of swimming birds there are sixty-six species, including swans, geese, ducks, albatrosses, pelicans, petrels, gulls, cormorants, guillemots, loons, terns and others. Swans are scarce;

geese and ducks exceedingly abundant in the autumn and spring. These birds are migratory; but some of the geese remain all winter within the limits of the State and some of the ducks both winter and summer. The gulls and guillemots or murre are also abundant along the coast, laying their eggs in great quantities on the Farallones and other isolated rocks in the ocean. There are several species of pelicans, the largest of which is about the size of the swan. Cormorants or shags and coots are abundant. Of wading birds, there are forty-one species, including cranes, herons, bitterns, curlews, plovers, snipes, sandpipers, rails and others.

Lizards are very abundant; toads rarer, except the kind called horned toads, which are rather lizards than toads and are frequent in the warm and dry valleys, where they live in the loose earth and sand. The turtles are scarce, but the frogs and newts abundant. Of the large sea fish there are species of halibut and turbot, jew-fish, sea bass and sunfish; next in size of the principal ocean fishes are the green fish, usually called cod, rock-fish, sheep's-heads, barracuda, mackerel and herrings. There is also a flying fish but it is rarely caught. Sometimes in the ocean but principally in the bays and coves are soles, perch, smelts, rock-cods, tom-cods and sardines. In the bays and lower parts of the rivers are great numbers of sturgeon. There are a few sharks along the coast, and in the bays many dog-fish and rays. Some of the fishes and particularly the perches and dog-fish are viviparous.

Of all the fish the salmon is the most important and, as a large fish, the most abundant. It is migratory, running up the rivers and creeks in the winter and spring to spawn and then running back to the ocean in the summer. They run up in immense numbers; but many, without counting those caught by fishermen, become exhausted and die before getting back. The young fry find their way to the ocean while comparatively small. Those which run up are usually from ten to thirty pounds weight. Of the fresh water fish the principal are a large species of trout found in Lake Tahoe and neighboring lakes and streams, the ordinary brook trout found in all the clear mountain streams, and several species of suckers and chubs. The snakes are not specially remarkable. There are several kinds of small, harm-

less species; and the only poisonous one is the rattlesnake. It sometimes attains a length of four or five feet; but is usually a comparatively sluggish reptile. Crabs are abundant and there are craw-fish, prawns and shrimps. There is a small indigenous oyster, a cockle, and several kinds of clams and mussels. The abalone or sea-ear is very common on the coast; also sea-snails, sea-urchins, and limpets; and there are some squids and many jelly fishes.

Tarantulas, particularly in the San Joaquin valley, are numerous. They live a sort of hermit life, each one in a hole in the ground lined with a satiny web and covered at the mouth of the nest with a little, circular, nicely-fitting, hinged trap-door, which is always shut except when the proprietor goes in or out. Scorpions are also found in the warmer portions of the country, usually under stones or in rotting timber. The bite of the one and the sting of the other are poisonous but not fatal: it is very rare, however, for any one to be bitten by either rattlesnake, tarantula or scorpion. There are several species of wasps, one of which deposits its eggs in the living body of the tarantula. The unwillingness of the tarantula on the one part and the persistence of the wasp on the other give rise to combats, sometimes long continued and desperate; but the wasp almost always succeeds in her object and paralyzes or kills the tarantula before it can escape. In such instances the body or carcass of the tarantula serves as food for the larvæ of the wasp when the eggs are hatched. Locusts and grasshoppers are abundant, as are also mosquitoes and flies. There are a few indigenous bees, though the honey-bee, now abundant all over the country, is not so; and a few hornets. Yellow jackets are plentiful and also various ants and aphides and, among the latter, the species that deposits the so-called honey dew, which is sometimes so abundant as to fall in drops from the leaves of various trees and plants.

There is an indigenous silkworm, the moth of which is very large and beautifully marked; but it is doubtful whether any practical use can ever be made of the cocoons. There are also various butterflies and beetles and other insects interesting to entomologists. Among these are various varieties destructive to fruit and vegetation; also various worms, the most important,



because the most destructive, of which is the ship-worm or teredo, a long, brown centipede, which abounds in the waters of the bays and in a short time honeycombs and destroys all the timber exposed to its ravages between high and low water.

Such, in very general terms, are the most important characteristics of the geology, indigenous botany and zoölogy of California. Its scenery is the most varied and perhaps the most beautiful anywhere to be found. Whether for mountain, valley, forest or marine views, it is doubtful if it can be surpassed. Its climate and soil are unexcelled. Its productions are varied and interesting. But the great worth and value of the country depend not upon the indigenous products but almost exclusively, with the exception of its lumber and its grasses, upon the grains and fruits and animals that have been introduced and found to thrive in the highly favored land with more than native vigor and luxuriance.

# BOOK VII.

## THE AMERICANS.

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### CHAPTER I.

SLOAT.

ON the morning of July 7, 1846, immediately after taking possession of Monterey, hauling down the Mexican flag and running up the stars and stripes in its place, Commodore Sloat dispatched a courier, bearing a letter and a copy of his proclamation, to Jose Castro, the comandante-general of the Californian forces. The latter was then, with all the men he had been able to muster, at San Juan Bautista. On his recent march towards Sonoma to put down the bear-flag revolution, he had proceeded only so far as San Leandro, where, ascertaining that the strength of the Americans north of the bay was much superior to his own and that he could not cope with them without reinforcements, he had countermarched and was devoting his energies to drumming up recruits.<sup>1</sup>

Sloat, in his letter, after stating the existence of actual war between the United States and Mexico, called upon Castro to forthwith surrender all the troops, arms, munitions and public property of every description under his control and thereby avoid the sacrifice of human life which might otherwise be inevitable. At the same time he invited him to a conference at Monterey to arrange the terms of a capitulation and receive for himself, his officers, soldiers and the inhabitants of the country in general assurances of safety for themselves and their possessions. To this letter Castro replied on July 9; but, instead of

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<sup>1</sup> U. S. vs. Castillero, IV, 2626.

answering any of the propositions made by Sloat, he devoted his entire paper to the occurrences at Sonoma. He had the honor, he wrote, to inform the commander-in-chief of the United States naval forces in the Pacific that a gang of adventurers, headed as he understood by a captain of the United States army, had violently and unjustifiably seized the plaza of Sonoma, raised an unknown flag, made prisoners of the officials of the place and perpetrated murders and outrages of every class against the lives and property of the inhabitants. He was ignorant as to what government the aggressors at Sonoma claimed to belong and equally ignorant as to the claims of a party of them then in the neighborhood of Santa Clara; but, as he was unable to believe that they belonged to the forces under the command of the commodore, he deemed it proper to ask for a distinct declaration in that respect, so that he might act in conformity with the answer, since neither he nor any other citizen of the country was willing to put up with the projects and proceedings of such outlaws.<sup>1</sup>

On the same July 9, Sloat dispatched a letter and also copies of his demand upon Castro, of his proclamation and of his general orders, to Governor Pico, then supposed to be at Los Angeles. He assured Pico that no impropriety had been committed by his men in their landing and that business and social intercourse had not been disturbed in the slightest degree. He reiterated that, though he came in arms and with a powerful force, he came as the best friend of California; and he invited his excellency to meet him at Monterey that he might satisfy him and the people of California of that fact. He pledged his word and honor as an American officer that his excellency should be received with all the respect due to his distinguished station, and that he should freely depart again at any moment that he might think proper. He had already employed every means in his power to stop the sacrifice of human life in the northern portion of the country and trusted that he should succeed entirely, provided there was no further opposition or obstacle thrown in his way. And in conclusion, in the language that was usual in addressing a Spanish or Mexican governor, he tendered to his excellency his cordial respect and high consideration.<sup>2</sup>

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. I, 1012, 1013.

<sup>2</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. I, 1013, 1014.

On July 12, Sloat wrote from Monterey to Montgomery at Yerba Buena that, according to his best information, Fremont had marched to San Jose and thence to San Juan Bautista; that Castro, all of whose men except about a hundred had deserted him, had buried his cannon and shot and was flying southward, and that he would probably not stop until he reached Santa Barbara or Los Angeles. As for himself, he was improving the defenses of Monterey and organizing a large party of cavalry to keep a lookout against the enemy and protect the people against the raids of robbers, who were attempting to seize and drive off horses under pretense of taking them by Castro's orders for the service of the government. Four or five of the Californian officers had surrendered themselves as prisoners of war and been released on parole and a number of others and many soldiers were about to follow their example; but he should probably have to confiscate the property of those who persisted in hostile operations, unless they should very shortly change their conduct. He had received information that forty persons at San Jose desired to hoist the American flag over that place, and he should send them bunting for that purpose and direct them to raise a cavalry company, which when organized would be mustered into service. He also stated that he had given notice that any person found guilty of plundering horses or cattle or maltreating any peaceable inhabitant of the country would be held personally liable for the amount taken, be otherwise punished and have his property confiscated; and he desired Montgomery to act in the same manner. As to Montgomery's own proceedings, he approved them in full and expressed confidence in his discretion and ability to manage affairs at San Francisco and, if necessary in the absence of orders, to act upon his own judgment. And all he had to add was that "we have hoisted the flag and must keep it up at every hazard."<sup>1</sup>

The cavalry company raised by Sloat at Monterey consisted of thirty-five men. Purser D. Fauntleroy of the Savannah was appointed captain and past-midshipman Louis McLane first lieutenant. It was put upon active service immediately. On July 17, Fauntleroy was directed with his troop to reconnoiter the country between San Jose and San Juan Bautista; to take posses-

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. 1, 1023, 1024.

sion of the latter place; hoist the flag, and recover the guns said to have been buried there by Castro just previous to his recent retreat. In accordance with these orders, Fauntleroy marched to San Juan Bautista; but, upon his arrival, he found the place already in the possession of Fremont, who had reached it an hour or two previously. The two together then marched from San Juan Bautista to Monterey, where they arrived on July 19; and from that time onward there was perfectly free communication, and the entire country north of Monterey was in the quiet and undisturbed possession of the United States forces.<sup>1</sup>

Whatever may have been the designs of the British admiral, Sir George F. Seymour, he gave no trouble to the Americans. It will be recollected that he was lying with the British frigate *Collingwood* of eighty guns at San Blas when Sloat left Mazatlan. He too immediately set sail for California; but did not reach Monterey until July 16, two weeks after Sloat's arrival and nine days after the raising of the American flag. He therefore found the Americans in peaceable possession. As he sailed into port, Sloat sent an officer to tender him in the name of the United States the usual courtesies and the facilities of the port; and the British admiral accepted them, as well as a set of top-gallant masts and other spars for his vessel, in a spirit of amity and friendship. His visit in fact, as it turned out, proved to be of very great service to the Americans. The Californians, or at least that portion of them who were most hostile to the United States, had been under the impression that the British would intervene and take their part against the conquerors; and they had looked forward as a sort of forlorn hope to a conflict between the respective forces under the commodore and the admiral; but, being disappointed in this expectation and seeing on the contrary the friendly intercourse and reciprocal interchange of acts of kindness subsisting between the two, they were obliged to make up their minds that the American colors and none other were destined thenceforth to float over the country.<sup>2</sup>

Previous to this, on July 11, two days after the flag was raised at Yerba Buena, the British war-ship *Juno* of twenty-six guns sailed into the bay of San Francisco and anchored at Saucelito.

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. I, 1007, 1008.

<sup>2</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. I, 1008.

On its appearance, Montgomery made preparations to defend his position. In case of an attack, it would be necessary to withdraw all the marines from the shore; and the volunteer guards of Yerba Buena were informed by Lieutenant Watson that in such event the American flag flying over the town would have to be committed to their exclusive care, but he trusted they had the spirit and honor to protect it. They, one and all, replied with the strongest asseverations that the flag should continue to wave while a single man of the guards lived to defend it. But the British captain showed no purpose of interference: on the contrary, upon being notified of the existing state of affairs, he appeared to be perfectly satisfied and about a week afterwards put to sea again; and a few days subsequently, July 23, Admiral Seymour left Monterey for the Sandwich Islands. Thus, though some apprehensions were still felt of opposition on the part of England, the British navy officers in the Pacific had looked in upon the American conquest of California and gone off without manifesting any disposition to intermeddle; and there was nothing for the Californians to do but either to submit or fight their battles alone.<sup>1</sup>

On July 15, the day before Seymour's arrival, the United States frigate Congress, Commodore Robert F. Stockton, reached Monterey. Stockton reported for duty to Sloat; but the latter's health was in such a precarious state that he determined to resign the command of the forces and the conduct of operations to the former and return to the United States. He accordingly, on July 23, transferred his authority to Stockton and on July 29, having hoisted his broad pennant on board the *Levant*, sailed for Mazatlan and Panama. He had performed his duty well and left the United States in quiet possession of all of Alta California north of Santa Barbara; nor did he believe, as Castro had less than a hundred men to support him and the people were beginning to manifest more and more satisfaction with the change of sovereignty, that there would be any opposition to the occupation by the United States of the whole of the Californias. Under the circumstances, he was of opinion that he could render much more important service to the conquered country by returning without delay to the United States and explaining

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. 1, 1008, 1020, 1028, 1030.

to the government its situation and wants than by remaining in command in his infirm condition.

In the meanwhile that portion of the Californian population, which was inimical to the United States, was endeavoring to stir up the people in general to resistance. On July 3, Jose Maria Flores, comandante of Los Angeles, in a letter to Governor Pico, had directly and distinctly charged the United States with having secretly directed and with protecting and supporting the bear-flag revolution. He said it was plain that the purpose was to play the Texas game over again. He even averred that the United States government had deliberately resolved to possess itself of the Californias at any cost and by any means that might be necessary to accomplish its object, and that the United States consul made no concealment of that intention.<sup>1</sup> On July 8, Pico, then at Santa Inez, wrote to Abel Stearns, the sub-prefect of Los Angeles, to enlist all the male inhabitants capable of bearing arms and march them, under the orders of the comandante of Los Angeles, to the defense of the country;<sup>2</sup> but a few days afterwards, upon hearing of the open seizure of Monterey by the United States forces and being satisfied of the existence of a national war, he countermanded his order for the Los Angeles troops to march and directed the sub-prefect to employ them and the entire population in placing the pueblo in a state of defense against such attack as might doubtless soon be expected and in saving and securing the archives and protecting public rights.<sup>3</sup> At the same time he sent orders to the sub-prefects of Santa Barbara and San Diego that they should in like manner, instead of putting the forces of those places on the march, employ them and turn their attention exclusively to the defense of their own jurisdictions and in effect save themselves the best way they could.<sup>4</sup>

During all this time the departmental assembly was in session at Los Angeles. It had been much fluttered in the early part of June by the news of Fremont's movements; and, after devoting to the subject great reflection and care, it had solemnly decreed that the government should adopt such measures as might be

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<sup>1</sup> Cal. Archives, D. S. P. VII, 255, 256.

<sup>2</sup> Cal. Archives, D. S. P. VII, 131, 132.

<sup>3</sup> Cal. Archives, D. S. P. VII, 133, 134, 265.

<sup>4</sup> Cal. Archives, D. S. P. VII, 265.

requisite to secure the country against danger;<sup>1</sup> but with this it appears to have considered its duty in that regard fulfilled. It next directed its attention to a remarkable colonization scheme of one Eugene McNamara, an Irish priest, who had conceived the project of turning California into an Irish settlement and thus, by preoccupying the country, of saving it for the church and forestalling the Americans. He proposed, if properly encouraged, to introduce two thousand Irish families, to consist of ten thousand persons—a number which if they could have been produced would doubtless have been sufficient for his purpose; and the proposition was in some quarters looked upon with great favor. On June 24, Governor Pico had presented a message and various documents relating to the scheme to the assembly; on July 6 the matter was referred to a committee consisting of Juan Bandini and Santiago Arguello; and on July 7—the very day on which Sloat hoisted the American flag at Monterey and put an end forever to Mexican government in California and Mexican projects along with it—the committee reported, and the assembly approved their report. The action thus taken was to the effect that, if concessions of land should be made for the proposed colony, they should be made not in one body but with interspersed vacant spaces reserved for the uses of the government; that such concessions should be along the San Joaquin river and Tulare lake and between them and the Sierra Nevada and upon the Las Animas river near the Cajon Pass in what is now San Bernardino county; that citizens and families of residents in the department or any others having permission of the government should be allowed to settle in the colony and enjoy all the rights and privileges of colonists; that concessions should be made only upon condition that the possession of the land should never be transferred or in any manner assigned to any foreign government, nor should the ownership or dominion over the same be ever, under any pretext, pledged, hypothecated or otherwise affected without the previous knowledge of the departmental government and consent of the Mexican nation; that concessions should be made only in quantities proportioned to the number of colonists as they presented themselves and should be dependent for final validity upon the presentation of the

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<sup>1</sup> Cal. Archives, L. R. IV, 703-705.



whole number proposed; that in view of the necessities of new colonists the national congress should be solicited to grant them for a specified term of years a remission of all taxes both direct and indirect and the right of free importation of tools, implements of labor and other necessities at the ports of San Francisco and San Diego; and, finally, that in like manner the projector should be allowed to import a hundred thousand dollars worth of merchandise free of duty for each thousand families he should introduce.<sup>1</sup>

It may not be uninteresting to speculate for a moment upon the results of such a colonization as would have taken place, if McNamara's scheme had started earlier or been at any time carried out. The quick, fiery Irish temper and character, placed alongside of and in competition with the slow and apathetic indolence of the Californians, would have doubtless led to consequences which neither the national nor the departmental government could have anticipated. But the contemplation of what these consequences would have probably been is more a subject of amusement than of serious consideration. Whether under any circumstances the project could ever have been carried into effect is a matter of great doubt; but, however this may have been, the seizure of California by Commodore Sloat and the tradition of its sovereignty to the United States nipped the scheme in the bud and put an effectual and final quietus upon it, as well as upon all other Mexican projects in the country. The national government of Mexico, as well as the departmental government of California, still continued to exercise acts of dominion, to issue orders and decrees, and to claim jurisdiction over the territory; but, as a matter of fact and public law, their power and authority had passed away forever and all they did or ordered or decreed was as vain and futile as a baseless dream.

While the assembly was thus busying itself with this visionary Irish project, the news of the war and of the seizure and inextinguishable occupation of the entire northern portion of the department by the Americans brought it back to a realization of its actual situation. If anything was to be done, it would have to be done at once. The north was lost and Castro and his forces were on their flight southward from San Juan Bautista,

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<sup>1</sup> Cal. Archives, L. R. IV, 720-724.

which they had left almost immediately after hearing of the raising of the United States flag. On July 11, they were at a place called the Ojitos near San Antonio in Monterey county. From there Castro wrote a hasty note in lead-pencil to Pico, inclosing the summons sent him by Sloat to surrender the country and a copy of his reply to it. He further informed Pico that he was on his way with a hundred and seventy men to join his forces with those of his excellency, and together with him to make head against the enemy for the salvation of the country and the preservation of the national honor. So far, he said, the invaders held only Monterey and San Francisco, though the American immigrants in general and the company under Fremont were all acting in concert with the United States naval forces; but he trusted his excellency would take such measures as were dictated by patriotism in raising and organizing the strength of the department and that they might yet be able to operate with advantage.<sup>1</sup> To this note, on account doubtless of remnants of animosity against Castro still rankling in his mind, engendered by the old quarrel between them, Pico made no reply; nor did he make any to the message sent him by Commodore Sloat. But after satisfying himself, as well as he could, of the situation of affairs, he on July 17 sent off orders from Santa Barbara to Los Angeles that all the artillery and ammunition of that place should be turned over to the charge of his brother, Captain Andres Pico.<sup>2</sup> He then set out on his return to Los Angeles and, upon arriving there, took a few measures, which however were not very effective, for raising a defensive force; and among other things he appointed Jose Maria Covarrubias secretary of state<sup>3</sup> and called an extraordinary meeting of the assembly.

On July 24 the departmental assembly met in extraordinary session in accordance with Pico's call and for the purpose of taking into consideration the condition of the country. Pico presented a number of documents relating to the seizure of Monterey and called upon the body to share his patriotic sentiments and defend the country. The members concurred and

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<sup>1</sup> Cal. Archives, D. S. P. VII, 266-269.

<sup>2</sup> Cal. Archives, D. S. P. VII, 135.

<sup>3</sup> Cal. Archives, D. S. P. VII, 136, 137.

resolved to call upon the people to organize.<sup>1</sup> On the same day Pico appointed Antonio F. Coronel, Luis Arenas and Jose Fernandez captains of the militia known as "defenders of the national independence and of the laws;" and soon afterwards he sent off a commission to Lower California to collect all the fire-arms that could be procured.<sup>2</sup> On the same day likewise, Castro issued a paper to the effect that—as he and his men were sacrificing themselves for the defense of the country, and as they were in want of the absolute necessities of life, and as the government had no resources to supply them, and as it was the duty of every citizen either to bear arms or contribute to the support of those who did—he, therefore, proposed that all ranch owners, who were not in the service, should furnish horses and cattle for the support of his troops; that the amount of contributions should be fixed by five well-known citizens; that Mexicans of property, who owned no stock, should be obliged to contribute money, and that naturalized foreigners should be invited to contribute voluntarily such amounts as should be deemed proper according to their means.<sup>3</sup>

The departmental assembly met again on July 27 and passed a series of resolutions calling upon the people to arm; declaring it to be the sacred duty of every Mexican, in the defense of his rights and liberty, to present himself to the government, and authorizing the governor, in connection with the comandante-general, to dictate such measures of defense and demand such aid and supplies as they might deem proper. The original minutes of the proceedings also show that the government was expressly authorized to open communications with the British admiral and with the French and Spanish consuls with a view of securing their aid and assistance; but this article appears upon the record to have been crossed as if for the purpose of erasure.<sup>4</sup> Whether crossed off at the time or at some subsequent time, which is the most likely, it was a useless provision for the reason that the British admiral, the only person who could have afforded any relief, had tacitly acquiesced in the occupation of the Americans and left them in undisputed possession.

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<sup>1</sup> Cal. Archives, L. R. IV, 728, 729.

<sup>2</sup> Cal. Archives, D. S. P. VII, 138-153.

<sup>3</sup> Cal. Archives, D. S. P. VII, 273-275.

<sup>4</sup> Cal. Archives, D. S. P. VII, 276-278.

On July 28 Pico issued a proclamation, in the form of a circular, requiring all soldiers of every class to forthwith take up their march for Los Angeles and immediately place themselves at the disposition of the government;<sup>1</sup> and the next day a plan for the organization of the militia was reported in the assembly. It provided that all citizens between the ages of fifteen and sixty years—with the exception of the physically infirm, the clergy and civil officers—being subject to military duty should be required to serve; that they should be enrolled into cavalry companies, composed of a captain, lieutenant, two ensigns, four sergeants, eight corporals, two trumpeters or drummers and eighty-six dragoons, though smaller companies might be formed having only one ensign, three sergeants, six corporals, one trumpeter and fifty dragoons; that the governor should have the appointment of the captains but the other officers should be elected, subject to the approval of the government; that the political and military departments in conjunction should provide for the equipment of the forces; that the governor should be commander-in-chief and take such measures as the public exigency might require, and that the plan so reported should constitute the reglamento in force, subject however to such modifications as might become necessary.<sup>2</sup> Such seems to have been the plan adopted for raising an army. But nothing of practical importance was or under the circumstances could be done to carry it into execution. Even if the Americans had remained quiet, it is doubtful whether the Californians could have forced many more men into the field than were already, in one form or another, under arms. Whether this were so or not, however, the United States forces, recognizing as they did the importance of celerity and seeing that the whole province was within their easy grasp, were not wanting in promptitude or energy.

Sloat, upon transferring to Stockton the command of the naval forces of the United States on the coast of California, had also directed him "to assume command of the forces and operations on shore."<sup>3</sup> Stockton immediately proposed to Captain Fremont and Lieutenant Gillespie that if they and their com-

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<sup>1</sup> Cal. Archives, D. S. P. Ang. XI, 902.

<sup>2</sup> Cal. Archives, D. S. P. VII, 279-284.

<sup>3</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. 1, 1008.

pany, which consisted of about one hundred and sixty men, would volunteer to serve under his command, he would form them into a battalion and appoint Fremont major and Gillespie captain of it. Upon their assent, the "Battalion of California Volunteers" or, as sometimes called, the "California Battalion of Mounted Riflemen" was organized and mustered into the regular service.<sup>1</sup> On the same day, Fremont was ordered to embark with his troops on board the *Cyane*, Commodore Dupont, for San Diego. He was directed, upon disembarking at San Diego, to camp in the neighborhood, immediately procure horses and hold himself and men in readiness to march through the country at a moment's notice; and he was informed that Stockton himself would follow in the Congress as far as San Pedro, from which place he would communicate with him. The object of the movement, as was stated by Stockton, was to get between Castro and the Colorado river or in other words to prevent Castro and his forces from escaping into Sonora.<sup>2</sup> In accordance with these instructions, Fremont and the California battalion embarked in the *Cyane* and on July 26 set sail for San Diego;<sup>3</sup> and on or about August 1 Stockton followed in the Congress for San Pedro.

Previous to sailing, and in fact just previous to Sloat's departure from the coast, Stockton saw proper, as commander-in-chief of the United States forces, to issue an address to the people of California. He represented that the Mexican government and its military officers had for a year past, without cause, been threatening the United States with hostilities; that it had recently, with a force of seven thousand men, attacked a small detachment of two thousand United States troops on the other side of the continent, and that it had been signally defeated and routed. He then went on—and this seems to have been the principal object of his paper—to asseverate that General Castro, as commander-in-chief of the military forces of California, had "violated every principle of international law and national hospitality by hunting and pursuing, with several hundred soldiers and with wicked intent, Captain Fremont of the United States army, who came to refresh his men, about forty in number, after

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. 1, 1040.

<sup>2</sup> Cutts, 154, 155.

<sup>3</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. 1, 1008.

a perilous journey across the mountains, on a scientific survey" and that "for these repeated hostilities and outrages, military possession was ordered to be taken of Monterey and San Francisco, until redress could be obtained from the government of Mexico."

The address proceeded at considerable length in the same spirit. Stockton declared himself constrained by every principle of national honor to put an end at once and by force to the lawless depredations daily committed by Castro's men upon the persons and property of peaceful and unoffending inhabitants. He would therefore not confine his operations to the quiet and undisturbed possession of the defenseless ports of Monterey and San Francisco; but would immediately march against "these boasting and abusive chiefs," who had "so violated every principle of national hospitality and good faith towards Captain Fremont and his surveying party," as well as against all others who might be found in arms aiding and abetting Castro. That general, he continued, was a usurper; he had been guilty of many offenses; he had impoverished and drained the country almost of its last dollar and he had now, when most needed, deserted his post. He had deluded and deceived the people; and they wished his expulsion from the country. He had come into power by rebellion and force, and by force he should be expelled. Mexico appeared to have been compelled to abandon California to the mercies of any wicked man who could muster a hundred followers in arms. She could not, or would not, protect the inhabitants from the lawless depredations of such men, nor punish or control the chieftains who thus defied her power and kept California in a constant state of revolt and misery. Under these circumstances, the people, tired and disgusted with a constant succession of military usurpers and the consequent insecurity of life and property, had invoked the protection of the commander-in-chief of the United States forces. Upon the people as such, therefore, he had no war to make; but he would require all civil and military officers, as well as other persons, to remain quiet at their respective homes and stations and to obey such orders as he should give them: otherwise they should be treated as enemies and suffer accordingly. No one was to be troubled in consequence of any part he had taken in the politics

of the country or for having been a subject of Castro; but all who acknowledged the authority of existing laws and obeyed his orders should be treated in the same manner as citizens of the United States. And finally he declared that he did not desire to possess himself of a single foot of California except as a means to save from destruction the lives and property of the foreign residents and citizens who had invoked his protection; and that, as soon as the officers of the civil law should return to their duties under a regularly organized government and give security for life, liberty and property alike to all, the forces under his command would be withdrawn and the people left to manage their own affairs in their own way.<sup>1</sup>

It will be recollected that Fremont was in high dudgeon with Ide for not mentioning his name or ventilating his supposed personal grievances from Castro in the bear-flag proclamation. Nor had his name been mentioned in Sloat's proclamation. But Stockton had not only put him prominently forward; but, for the purpose of doing so, he had in many respects misrepresented the facts in relation to the position and objects of the United States in the seizure of California. As the *Levant*, with Commodore Sloat on board, was sailing out of Monterey for the United States, Stockton dispatched a copy of his address to the secretary of the navy at Washington, together with a letter stating that the address gave the general view he had taken of his position in California and the reasons which induced Commodore Sloat to hoist the American flag. Both the letter and address were handed to Sloat; but he appears to have tossed them into his desk without looking at them until August 10, by which time he was far on his way towards Mazatlan. When he came to examine them, he immediately and without delay sat down and, in a dignified but decided tone, wrote to the secretary of the navy that the address did not correctly represent his reasons for taking possession of California or his views or intentions in respect to the country; that consequently it did not meet his approbation, and that his true reasons, views and intentions were contained in his own proclamation promulgated on July 7 at the hoisting of the flag.<sup>2</sup>

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. 1, 1035-1037.

<sup>2</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. 1, 1034, 1035.

## CHAPTER II.

### STOCKTON.

FREMONT, who had embarked with the California battalion on board the *Cyane*, reached San Diego on July 29. Upon landing, he attempted, in accordance with his instructions, to supply himself with horses, so as to be able to prevent Castro from escaping into Sonora; but in this he found great difficulty for the reason that the Californians had driven off and secreted, as far as possible, all their animals. On this account he was unable to move until August 8. In the meanwhile Stockton had sailed in the *Congress* for San Pedro and on the way landed for a short time at Santa Barbara, took possession of that point and placed a small detachment of his forces in charge to hold and defend it. On August 6 he reached San Pedro; ascertained that Fremont was at San Diego, and immediately commenced landing four hundred men and some artillery. The next day two individuals made their appearance, representing themselves to be commissioners from General Castro and authorized to enter into negotiations for a cessation of hostilities. They demanded, however, as a preliminary to treating, that the United States forces should remain at San Pedro and not advance into the interior. This proposition Stockton peremptorily declined, whereupon the commissioners returned to Los Angeles whence they had come, without communicating the extent of their powers or the nature of their instructions. But upon their leaving San Pedro, Stockton informed them that he would immediately follow and that the result of a battle would speedily determine whether Castro and Pico or himself was to exercise authority over the inhabitants and territory of California.<sup>1</sup>

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. I, 1040-1042.



There are accounts, which represent Stockton as having practiced considerable strategy upon Castro's commissioners by so disposing his men as to make their numbers appear much more considerable than they were. It is also said that he had the commissioners led up to the mouth of a tremendous mortar, which, excepting its huge aperture, was entirely enveloped in skins; and that they were terror-stricken at the appearance of an engine of war, the like of which they had never before seen. It is not at all likely, if there were any truth in these accounts, that Stockton would have omitted them in his very minute report of their visit and of what took place. Nor was there any great necessity of exaggerating the American forces. Stockton had over four hundred men well armed and supplied, who, though not accustomed to land service, were much more than a match for any force Castro and Pico had at their disposal. The latter consisted only of Castro's one hundred and seventy men and a couple of hundred worthless levies picked up in the neighborhood of Los Angeles. Reports indeed swelled their numbers to some fifteen hundred; but there is no reason to believe that they very much, if at all, outnumbered Stockton's forces, without counting the California battalion on its march under Fremont from San Diego. What there were of them, as may well be imagined, were of little or no account. The simple truth, without any exaggeration, was sufficient to convince the commissioners, and Castro and Pico also upon hearing their report, that, with such forces as they possessed, it would be impossible to withstand the American advance.

Stockton, as soon as he had completed his arrangements, sent off a courier to hasten Fremont; and on August 11 he commenced his march towards Los Angeles. The Californians had entrenched themselves in a camp about three miles southeasterly of the city on the high or table-land known as the Mesa. It is said that Castro, on the return of his commissioners, sent word to Stockton that he intended to defend the country to the very last extremity and that, if the Americans marched upon Los Angeles, they would find it their grave, to which Stockton replied that Castro should have the Los Angeles bells tolled at eight o'clock the next morning, as by that time he had made up his mind to be there. Whatever boasts or threats may have

passed, Stockton and his men advanced northward towards the city. It is about thirty miles from San Pedro to Los Angeles. The march was laborious, as there were no horses and the men were obliged to drag six cannon by hand. In the afternoon Stockton was informed that the Californians had broken up their camp on the Mesa and dispersed. It was said they had buried their cannon and that Castro and Pico were flying, the former with a few adherents to Sonora and the latter to Lower California. This proved to be the truth. A few horsemen were observed hovering in the distance; but nothing in the way of an armed force was anywhere to be seen. It was still deemed necessary to exercise vigilance; but the march of the Americans was unopposed and undisturbed. On August 13, Fremont having in the meanwhile come up and joined him with a hundred and twenty men of the California battalion, Stockton marched into and took quiet possession of Los Angeles.<sup>1</sup>

In the course of the next few days, several expeditions were made in pursuit of Castro and Pico; but it was soon found that they had gone beyond the reach of capture. But the scouting parties succeeded in bringing in a number of their officers, the most prominent of whom were Jose Maria Flores, comandante of Los Angeles, and Andres Pico, the governor's brother, who was comandante of a squadron of the California forces and captain in charge of the artillery. These officers were released and, as is said, upon their parole of honor not to bear arms against the United States pending the war unless exchanged. Meanwhile as matters gradually settled down, the people in general tendered their submission and promised allegiance and obedience to the United States. Every indication of a hostile force had disappeared, and tranquillity was seemingly entirely restored.<sup>2</sup>

On August 17 Stockton issued a second proclamation addressed to the people of California. He announced in it that the flag of the United States was flying from every commanding position in the territory; that the country was entirely free from the Mexican dominion; that it now belonged to the United States and should, as soon as circumstances would permit, be governed by officers and laws similar to those of other territo-

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. I, 1042.

<sup>2</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. I, 1043.

ries of the United States; that in the meanwhile, and until such territorial organization could be effected, military law would prevail and the commander-in-chief would be governor and protector of the territory; that the people were requested to elect civil officers in place of those declining to serve and, in case of their failure to do so, appointments would be made by the governor; that the laws should be administered according to the former usages of the country; that all persons faithfully adhering to the new government would be considered citizens and as such protected and no others allowed to remain or settle in the territory; that persons found in arms without permission outside their own houses should be considered as enemies and shipped off; that thieves would be put to hard labor on the public works; that the California battalion would be kept in service and constantly on duty to prevent or punish aggressions by Indians or others, and that all persons, while the territory remained under martial law, should be in their houses from ten o'clock at night until sunrise in the morning.

At the same time, assuming to act as commander-in-chief and governor, Stockton issued and promulgated a plan of government, declaring Upper and Lower California by right of conquest a territory of the United States under the name of the "Territory of California," and providing that the executive power should be vested in a governor—to hold office for four years unless sooner removed by the president of the United States—who was to reside within the territory, be commander-in-chief of the army, act as superintendent of Indian affairs, approve laws passed by the legislative council, grant pardons and commission officers; that there should be a secretary—to hold office in like manner as the governor—who should record and preserve all laws and proceedings of the executive and legislative departments and annually report the same to the president and congress, and, in case of the absence of the governor, execute the powers and duties of his office; that the legislative power should be vested in the governor and a legislative council, consisting of seven members who were to be appointed by the governor for two years and afterwards elected by the people; that the legislative power should extend to all rightful subjects of legislation, but no law should interfere with the primary dis-

posal of the soil, no tax should be imposed on the property of the United States, and property of non-residents should not be taxed higher than that of residents; that no law should be valid if disapproved by the governor; that municipal offices previously existing should continue to exist and their proceedings be regulated by the laws of Mexico until otherwise provided; that the usual city, town, and district officers should be elected every year; that the legislative council should meet at such time and place as the governor should appoint, and that at its first session the seat of government of the territory should be located and established and the time and place of legislative sessions appointed.<sup>1</sup>

About the same time, Stockton announced a tariff of duties on all goods imported from foreign ports of fifteen per cent. ad valorem and a tonnage duty of fifty cents per ton on all foreign vessels. On August 22 he issued an order, announcing that he intended to withdraw with his naval forces from California, as soon as he could safely do so, for the purpose of protecting American commerce in other parts of the Pacific, and directing Fremont to enlist men enough to garrison Los Angeles, Monterey, San Francisco, Santa Barbara and San Diego and guard the territory, and, with this object in view, to increase his force to three hundred men, one hundred to be kept together for general service and the others to be distributed in garrisons. He also announced that before leaving the territory he proposed to appoint Fremont governor and Gillespie secretary, and to name a council of state and other necessary officers; and in the meanwhile he directed Gillespie to remain stationed with a sufficient force at Los Angeles, and other forces to occupy Santa Barbara, Monterey and San Francisco; and he made an appointment with Fremont to meet him at San Francisco on October 25 to complete the arrangements and be placed in office as governor.<sup>2</sup> On August 28 he wrote to the secretary of the navy at Washington, setting forth what he had done and stating that in less than a month after assuming command he had "chased the Mexican army more than three hundred miles along the coast; pursued them thirty miles in the interior of their own country;

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<sup>1</sup> Cutts, 121-125.

<sup>2</sup> Cutts, 125-127.

routed and dispersed them and secured the territory to the United States; ended the war; restored peace and harmony among the people and put a civil government into successful operation."<sup>1</sup>

In accordance with the arrangement thus made, Captain Gillespie was placed in command of Los Angeles with between thirty and forty men. Fremont, with the remainder of the California battalion, marched northward for the purpose of recruiting and increasing his forces. At Santa Barbara he left Lieutenant Theodore Talbot with nine men in command of that place, and then resumed his march. Stockton, about the same time, marched his sailors and marines back to San Pedro, re-embarked them on the Congress and on September 5 sailed to Santa Barbara, where he took on board the detachment left there on his way down, and then proceeded to Monterey. At that place there were rumors of an intended attack by a thousand Walla Walla Indians upon Sutter's fort and in consequence Stockton immediately ordered the frigate Savannah to San Francisco and almost directly afterwards himself followed in the Congress. But it was soon ascertained that the rumors in reference to the Walla Walla Indians were greatly exaggerated, both as to their numbers and their intentions, and that there was no danger to be apprehended from them. On the contrary everything was quiet and to all appearance tranquillity prevailed from one end of the country to the other.<sup>2</sup>

In the meanwhile Monterey and Yerba Buena were progressing rapidly towards organization under the American system. On July 28, the Mexican alcalde of Monterey having abandoned his post or declined to serve, the Rev. Walter Colton, chaplain of the frigate Congress, was by Stockton appointed to the office. The second day afterwards, Colton moved on shore and assumed the duties of his new position. In rummaging around to familiarize himself with his new field of labor, he found an old printing press and font of Spanish type, which he erroneously supposed had been used by the missionaries for printing religious tracts but which had more probably been used by the government in Figueroa's and Alvarado's times. Be this as it may, Colton conceived the project of starting a newspaper and, in

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<sup>1</sup> Cutts, 119-121.

<sup>2</sup> Cutts, 156, 157; Ex. Doc. 2 Ses. 30 Con. II. R. No. I, 1045.

connection with Robert Semple as partner, soon put the project into practical operation. Among the old lumber was a keg of ink nearly full. Rules and leads were wanting; but these were supplied by cutting up a couple of sheets of tin with a jack-knife. The main difficulty was to procure paper; but this also was overcome by purchasing a lot of cigarrito paper, the sheets of which were a little larger than ordinary foolscap. All obstacles being finally surmounted, the first number of the first newspaper of California made its appearance at Monterey on August 15, 1846, almost within a month after the raising of the American flag. It bore the name of "The Californian" and was announced to be a weekly sheet published by Colton and Semple. One-half of it was in English and the other half in Spanish; and, as the Spanish alphabet and font contained no *w*, that letter in the English part of the paper was represented by the letter *v* doubled, or *vv*.<sup>1</sup> Colton was a man of literary taste and ability, and under the circumstances his newspaper was a creditable production.

On August 12 the American war-ship *Warren*, Commander Hull, arrived at Monterey from Mazatlan and brought the first positive intelligence of the declaration of war between the United States and Mexico. It was then certain, and felt by all to be certain, that California had been forever severed from Mexico. There were few to regret it. Almost from the raising of the flag, real estate had commenced to rise in value; and in less than a month after the news of war became positive, a Californian ranch owner told Colton that he considered his lands worth a very great deal more than they were before. Commodore Sloat had promised a rise in real estate and also that the people should be governed by officers of their own choosing. The first promise was being realized; and now the second was, so far as practicable, to be fulfilled. Orders were issued in August for an election of *alcaldes* to be held on September 15. In the election on that date at Monterey, there were seven candidates for the office and three hundred and thirty-eight votes cast, of which Colton received sixty-eight—a plurality over any of his competitors—and was declared elected. The office of *alcalde* of Monterey, in which Colton was thus continued, was by him consid-

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<sup>1</sup> Colton's "Three Years in California," New York, 1850, 17-33.

ered a very important one and, under the circumstances of the country, it undoubtedly was so. It involved jurisdiction over every breach of the peace, every case of crime, every business obligation and every disputed land title within a space of three hundred miles. To it there was an appeal from every other alcalde's court in the district; but there was none from it to any higher tribunal. It was in effect supreme. Such absolute disposal of questions affecting property and personal liberty, as Colton himself said, ought never to have been confided to any one man. There was not a judge on any bench in the United States or England, whose power was so absolute as that of the alcalde of Monterey.<sup>1</sup>

Colton's administration appears to have been that of a man intending to do substantial justice, but unacquainted with the procedure, rules and forms of law. He did the best he knew how and as well, perhaps, as any other man, not bred to the long and laborious profession of a lawyer, could have done. There was, however, little or no law in the country. There were Californian customs, with which the American alcaldes were somewhat, though very imperfectly, acquainted; they also had a shadowy remembrance of some of the common law rules and forms of the old States; and it was out of their crude ideas of one or other of the two systems or both combined, according to circumstances, that they as a rule attempted to evoke justice. But in every difficult question that arose, the alcalde usually followed his own uneducated notion of right and wrong; and knots were cut, instead of any attempt being made to disentangle them. Chief among the common law notions brought by the Americans was that of the right of trial by jury. Colton said, if there was anything on earth besides religion for which he would be willing to die, it was this right. And very early in his administration he had the opportunity of empanelling the first jury ever summoned in the country. Isaac Graham, the leader of the old conspiracy against Alvarado, charged one Carlos Roussillon with stealing a lot of lumber. It seems there had been a controversy about the property, which Roussillon took but offered to pay for. Graham refused to accept the money and insisted upon his prosecution. Under the circumstances, it

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<sup>1</sup> Colton, 28, 52, 55; Cutts, 125.

was deemed by Colton a proper case for a jury; and accordingly a jury was called for September 4, upon which day the trial took place. One-third of the jury were Mexicans, one-third Californians and one-third Americans. The prosecutor spoke English; the defendant French; the jury, except the Americans, Spanish; and the witnesses all the languages known in California. Hartnell, the linguist, acted as interpreter; and, in the absence of lawyers as Colton took occasion to remark, they got along very well together. The trial lasted the whole day and the jury deliberated for an hour, after which it returned a verdict acquitting the accused, but ordering him to pay the prosecutor the value of the lumber and the prosecutor to pay the costs of the trial.<sup>1</sup>

Yerba Buena or Loma Alta, as it was also sometimes called, still remained a very small village. After the first settlement by William A. Richardson and the laying out of the "calle de la fundacion" in 1835, as described in the account of Figueroa's administration, the next settler was Jacob Primer Leese. Richardson had come for the purpose of being captain of the port. The object of Leese's settlement was to establish a mercantile house and do a commercial business with the ships resorting to Yerba Buena cove. He arrived first in the early part of 1836 and, being satisfied with the place, returned to his residence at Los Angeles, wound up his business there and again visited Yerba Buena in June. He applied to the authorities of the Mission Dolores, then already secularized and sometimes known as the Pueblo of Dolores, for the grant of a lot at Yerba Buena; but they replied that they had no authority to grant lots at that place. Leese immediately posted off to Monterey and obtained from Governor Chico an order on the alcalde of Dolores to grant him a lot one hundred varas square wherever he should select it, only not within two hundred varas of the shore, that space being reserved for the government. Thus authorized, Leese returned again to Yerba Buena, selected his lot and, having brought along lumber and workmen, immediately put up his house. It was a frame structure, sixty feet long by twenty-five feet wide, and on the lot near Portsmouth Square where the St. Francis hotel was afterwards built. Richardson's

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<sup>1</sup> Colton, 49; Californian, Sept. 12, 1846.



house on the lot adjoining was a temporary concern, or a tent rather than a house.

Leese finished his building before the fourth of July and on that day celebrated the anniversary of American independence in it by a banquet and fandango. There were several American vessels in port. The officers and men and the Californians of the neighborhood as far as Sonoma were invited and attended. There were about sixty guests, including the Vallejos, the Castros, the Martinezes and others. There were toasts and responses, firing of cannon and guns, hurrahing and feasting. The American flag fluttered by the side of the Mexican. The banquet took place in the afternoon and after it the dancing commenced, which, as usual upon such occasions, was kept up all night and all next day; and, as Leese subsequently observed, the fourth of July, 1836, at Yerba Buena ended on the evening of the fifth. In a few days afterwards he opened his store and did a thriving business. The next April he married a sister of Vallejo; and from this union, on April 15, 1838, sprang Rosalie Leese, the first white child born in Yerba Buena.

Within a few years after his settlement Leese, in connection with other parties interested in the place, solicited Alvarado, then governor, to lay it out as a village. Alvarado returned a favorable response; and in 1839 an order came, directed to Jo:se Castro the prefect of the district, to have a survey made. The prefect employed Jean J. Vioget, a Swiss, then living with Leese, to lay off a certain number of streets and lots. Vioget made his survey in November of the same year and plotted out what was known as the little valley of Yerba Buena, included between the present Broadway, Montgomery, Powell and California streets. The streets so laid out corresponded, as far as they went, nearly, though not exactly with the present streets, but they were given no names; and the original "calle de la fundacion," designated by De Haro in 1835, which ran in a diagonal direction through the space surveyed by Vioget, was ignored entirely. Meanwhile Leese had managed to obtain the grant of a lot on the beach, more convenient for his business than the old one, and had put up a substantial business house on what is now the west side of Montgomery street near Commercial. This was the first substantial house built in Yerba Buena. Within a few

hundred feet to the south of it, near the present corner of Montgomery and Sacramento streets, by the side of a small fresh water lagoon fed by springs from the hill to the rear, was an Indian temescal or sweat-house. In the latter part of 1841 Leese sold out his commercial house and business to the Hudson's Bay Company and moved to Sonoma.

At the time Leese left, there were about thirty families living in the village. Besides his own business house, which was thereafter occupied by the Hudson's Bay Company, William Hinckley and Nathan Spear of Monterey had put up another and established a brisk business. Richardson had built an adobe house on what is now Dupont street, west of Portsmouth Square, and Juana Briones, a widow, had built another adobe house near what is now the corner of Powell and Filbert streets. There were a few other houses; and among others the Russians had an establishment, built of slabs and covered with tarpaulin and skins, at or near Clark's Point, where they kept grain and grease and salted beef. Between that time and 1846 there was very little change, and the population had not increased to more than forty families. But in the early part of 1846 there began to be a rapid improvement; and by the middle of that year the population numbered over two hundred, and the houses had increased to about fifty.<sup>1</sup>

On July 31, 1846, there was a large and unexpected accession to the population. A strange vessel was reported coming in through the Golden Gate; and for a while there was much excitement and agitation in reference to it on board the Portsmouth, then lying in the harbor, as well as in the village. It was observed, however, that the stranger was not a war-ship and that it flew the American flag. As it drew nearer, it could be seen that its deck was crowded with men, women and children. In a short time the mystery was explained. The ship proved to be the Brooklyn and the passengers were a colony of two hundred and thirty-eight Mormon immigrants. They had left New York in February under the direction of the leaders of their church with the avowed object of establishing a settlement in Oregon, but with the real purpose, as it seems, of founding their tabernacle on the bay of San Francisco. Had

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<sup>1</sup> United States vs. Limantour, Transcript, I, 333; II, 711-715.

they succeeded and a nation sprung from their loins, they would doubtless have been known to posterity as the Mormon Pilgrims. But upon their arrival, they found the condition of affairs unfavorable for their projects; and, instead of taking the lead in settling the comparatively virgin soil of California, they were obliged to play a very subordinate part and never at any time succeeded in establishing what could be called a Mormon colony or even a Mormon church in the country.

There seems to be no doubt that it was the purpose of the Mormons, after they were driven out of the United States, to settle down upon the bay of San Francisco, which they expected to acquire from Mexico. It was with this objective point in view that sixteen hundred of them started for the Pacific in February, 1846; and the remainder were to follow in a short time. But the sight of the Portsmouth, which is said to have occasioned very emphatic utterances of disappointment and indignation from one of their leaders, and the unwelcome news of the seizure of the country by the United States, convinced them that California was not their Canaan. And it was in consequence of this fact that the stream of Mormon emigration or procession of Latter-day Saints, as they called themselves, which was on its road through the wilderness to the promised land, was arrested half way and tarried on the bitter waters of Salt Lake.<sup>1</sup>

These Brooklyn Mormons were mostly from New York and the New England states. The men were as a class industrious and steady, good mechanics and good farmers and well supplied with implements and tools for making a new settlement. Their leader was Samuel Brannan. He was a native of Maine, born in 1819, had been a printer by trade and was of a speculative turn of mind. In 1842 he joined the Mormons and published a newspaper, devoted to the interests of that sect, in New York. In the winter of 1845-46 he took hold energetically of the project of founding a Mormon colony on the bay of San Francisco; and the result was the chartering, freighting and sailing of the ship Brooklyn, a vessel of three hundred and seventy tons, which had been fitted up for the purpose of carrying the emigrants. It was well provided with everything that was deemed

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<sup>1</sup> Thirty Years in California etc., by S. H. Willey, San Francisco, 1879, 16, 17.

necessary for the proposed colony; and, among other things, Brannan brought along a printing-press, types, paper, ink and compositors. Though the condition of affairs at San Francisco was not favorable for their projects, as has been said, the Mormons nevertheless landed at Yerba Buena; pitched their tents in the sand-hills around the village, and in a short time built a number of houses and shops. Brannan himself set up his press in September and did job printing work. In October he announced the publication of a weekly newspaper and issued an extra in advance of it, containing General Taylor's official report of the battles of Palo Alto and Resaca de la Palma. On January 9, 1847, appeared the first regular issue of the newspaper itself, which was called "The California Star." In the meanwhile the failure of the primary objects of the colony in establishing a settlement exclusively Mormon and the new and promising career opened to Brannan's speculative mind by the aspect of affairs in California led to disagreements, and these disagreements finally led to irreconcilable quarrels.

In 1848, after the discovery of gold and while the saints in California were very successfully engaged in laying up earthly treasures, if not heavenly ones, at Mormon Island, Brannan assumed the right, as high priest of the church, to exact the payment of tithes, and in this manner collected a large amount of money. There was much dissatisfaction with his proceedings on the part of some, who were perhaps not entirely orthodox or who rather had not entire faith in Brannan; and, among others, on the part of William S. Clark, a prominent San Franciscan, from whom Clark's Point derived its name. In July, 1848, when Governor Mason visited the mines and stopped on his way at Mormon Island, Clark, in the course of conversation inquired, "Governor, what business has Sam Brannan to collect the tithes here?" Mason answered, "Brannan has a perfect right to collect the tax, if you Mormons are fools enough to pay it." "Then," said Clark, "I, for one, won't pay it any longer." From that time the payment of tithes ceased; but Brannan had already collected enough to lay the foundation of a large fortune.<sup>1</sup> He was not disposed to recognize the claims of the church as owner of his wealth; and the result was a law-suit, the high

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<sup>1</sup> *Memoirs of William T. Sherman*, by himself, New York, 1875, I, 52, 53.

priest's apostasy, and the breaking up and dissolution of the Mormon association of which he was the head.

The first American alcalde of Yerba Buena was Lieutenant Washington A. Bartlett of the frigate *Portsmouth*. He was in the first place, soon after the raising of the flag, appointed by Captain Montgomery, as Colton was first appointed by Commodore Stockton at Monterey. Afterwards, at the election of September 15, he was elected first alcalde by sixty-six votes out of a total of ninety-six—Jose de Jesus Noe being at the same time chosen second alcalde by sixty-three votes out of the same total.<sup>1</sup> One of the first acts of Bartlett's administration was to provide for a new survey of the town. For this purpose he employed a civil engineer, named Jasper O'Farrell, to enlarge the old Vioget survey of 1839. O'Farrell accordingly went to work, but had scarcely placed his instruments upon the ground when he ascertained that Vioget's streets, instead of crossing one another at right angles as had been intended, varied two and a half degrees from right angles. O'Farrell's first care therefore was to correct Vioget's error by changing the direction of the streets running east and west two and a half degrees, commencing at the corner of Kearny and Washington streets as an initial or starting point. This change, afterwards known as "O'Farrell's swing," altered all the blocks and the position of lots more or less; but fortunately there were not many of them and very few were much built upon. He then proceeded to enlarge the survey north as far as North Beach and west as far as Taylor street. On the south he adopted a new plan, giving the streets a different direction and making the blocks four times as large as in the old survey. The old streets ran nearly in correspondence with the cardinal points of the compass and the blocks embraced six fifty-vara lots; the new streets were projected at nearly the half points of the compass and the new blocks formed by them embraced six one-hundred-vara lots. Between the two divisions, or what were known as the fifty-vara survey and the one-hundred-vara survey, he laid out Market street as the future main thoroughfare, corresponding in direction with the road to the mission, which after leaving the end of what is now Kearny street ran out what is now Mission street,

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<sup>1</sup> *Californian*, Feb. 6, 1847.

the next main street southeast of Market. The survey south of Market street ran on Second and Third streets as far as South Beach and on Market as far as Fifth street, leaving out the swamps south and west of Mission and Fourth streets. O'Farrell also, though in this he doubtless acted in conjunction with Bartlett and others, named all the streets embraced in his survey and laid down on his map, giving them the same appellations they still bear.

Very soon after Bartlett's election, Mariano G. Vallejo of Sonoma and Robert Semple of Monterey formed a project of starting a town to rival Yerba Buena on the Straits of Carquinez. A written contract to that effect was entered into and executed between them on December 23, 1846. The name of the new place was to be the City of Francisca, after one of the Christian names of Vallejo's wife. This document on January 19, 1847, was presented to Bartlett as alcalde of the San Francisco district for record. It roused his zeal in favor of the village over which he presided. He imagined that if the name of San Francisco or any name sounding like it were appropriated by any other town in the neighborhood, it would or might injure Yerba Buena; and he therefore determined in as far as lay in his power to prevent it. Accordingly on January 30, 1847, on his own authority as chief magistrate, he issued an ordinance, and published it in the *California Star* of that date, to the effect that whereas the local name of Yerba Buena as applied to the settlement or village of San Francisco was unknown beyond the district and had been applied from the local name of the cove, therefore, to prevent confusion and mistakes in public documents and that the town might have the advantage of the name given on the public map, it was ordained that thereafter the name of San Francisco should be used in all official communications and public records appertaining to the town. Vallejo and Semple and Thomas O. Larkin, who was interested with them, protested; but their protest was idle; and, finding that they were now in the same position that it was supposed Yerba Buena would have been in if they had succeeded, they changed the name of their projected city to that of Benicia, another of the baptismal names of Vallejo's wife. Meanwhile the name of Yerba Buena, as well as that of Loma Alta, was

entirely dropped; and thenceforth the village or town, which afterwards developed into the city and finally into the consolidated city and county, including the Mission Dolores and the Presidio, was known exclusively as San Francisco.

In the meanwhile, on the night of September 29, 1846, less than a month after Stockton had written that he had routed and dispersed the enemy, secured the territory, ended the war, restored peace and harmony and put a civil government into successful operation, a courier arrived at Monterey from Los Angeles with the startling intelligence that the Californians of the latter place had risen in arms, taken possession of the city and were closely besieging the small body of thirty or forty Americans left in garrison there under command of Captain Gillespie. The courier himself had left Los Angeles under a volley of musket-balls, which he narrowly escaped but which had taken such deadly effect upon his horse that the animal dropped under him about two leagues out. Having authority to press horses along the road, he had done so and succeeded in making the whole distance, four hundred and sixty miles by the road, in fifty-two hours, during which time he had not slept. He had been directed to convey the intelligence orally to Commodore Stockton and carried no writing except a few words over the signature of the American alcalde of Los Angeles, rolled around a cigarrito and fastened in his hair. Unfortunately for him, Stockton had sailed for San Francisco; and it therefore became necessary to continue his journey a hundred and forty miles further. Though very much exhausted, as may well be imagined, he merely took a bowl of strong coffee, a hearty supper, a sleep of three hours; and, fresh horses having been provided, he was off again before daylight.<sup>1</sup>

Stockton, upon receiving the information at San Francisco, ordered Captain Mervine to proceed at once with the frigate *Savannah* to San Pedro for the purpose of affording aid to Gillespie; and at the same time he wrote to Fremont, who was then at Sacramento with about a hundred and twenty men, to join him at San Francisco. While waiting for Fremont, he collected a few volunteers to join the Californian battalion and chartered the merchant ship *Sterling*, which was lying at San

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<sup>1</sup> Colton, 64, 65.

Francisco, to carry it to Santa Barbara. Fremont and his men arrived on October 12 and with the additional volunteers, making one hundred and sixty altogether, immediately embarked on the *Sterling* for Santa Barbara. The instructions to Fremont were that upon landing at Santa Barbara, he was to procure horses and march from that point on to Los Angeles. Stockton himself simultaneously set sail with the *Congress* for San Pedro. On the way he met a merchant vessel just out of Monterey with dispatches to the effect that there were great apprehensions of an attack upon that place.<sup>1</sup> There was in fact considerable danger. The success of the insurgents at Los Angeles had emboldened some of the most reckless of the Californians; and they had formed a plan of capturing the small American force left there and plundering the town. The American residents, however, barricaded the streets and formed a night patrol. Every man capable of bearing weapons armed himself. The Rev. Walter Colton, alcalde, slept with a rifle at his bed-side and two pistols under his pillow.<sup>2</sup> Under these circumstances, Stockton deemed it proper to run into Monterey, which he accordingly did on October 16, and landed a couple of officers, fifty men and some ordnance for the protection of that point. These reinforcements rendered Monterey entirely safe; and Stockton then proceeded to San Pedro, where he arrived about October 23.<sup>3</sup>

The news of the insurrection at Los Angeles was not only found to be correct; but it was also found that the whole southern part of the territory was in arms. The remnants of the Californian forces, which had been broken up and dispersed upon Stockton's marching against them at the camp of the Mesa, had within a few weeks after his departure from Los Angeles, seeing that the place was very inadequately guarded, gathered again and on September 23, under the leadership of Jose Maria Flores, attacked and besieged Gillespie and his handful of men. The Californians numbered about three hundred, while Gillespie's force did not amount to forty all told. He, however, made a determined resistance, until finally on September 30, finding

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<sup>1</sup> Ex. Doc. 2 Sess. 30 Con. H. R. No. 1, 1045, 1046.

<sup>2</sup> Colton, 73.

<sup>3</sup> Ex. Doc. 2 Sess. 30 Con. H. R. No. 1, 1046.



the odds too great against him, he capitulated; and, in accordance with the terms of his surrender, marched his men and a few foreigners, who were afraid to remain behind, to San Pedro. Captain Mervine in the Savannah reached San Pedro about the same time. He landed with his sailors and marines and, in conjunction with Gillespie and his men, started for Los Angeles with the intention of recovering that place. Supposing the Californians would run as they did before, Mervine took no artillery with him. When he got about twelve miles on the road, he encountered a large party of the Californians, who had a cannon. A battle or rather a skirmish ensued; several attempts were made by the Americans to capture the gun, but without success: every time they approached almost within reach, the Californians hitched horses to it and retreated. But in these attempts, Mervine lost five of his men killed and a still larger number wounded. It became plain that severe fighting would be necessary if he pressed forward; and he therefore resolved to return to San Pedro and wait for reinforcements before making any further effort to reach Los Angeles. He accordingly countermarched; re-embarked all his forces on the Savannah, and waited for Stockton.<sup>1</sup>

About the same time Manuel Garfias, one of the Californian leaders, marched with two hundred men to Santa Barbara and demanded its surrender from Lieutenant Talbot, who had been left in command there with nine men. Talbot declined the summons; but, finding himself unable to resist the force brought against him, he and his men retired to the mountains. They were pursued and some fighting took place; but, as they still refused to surrender, the Californians set fire to the woods and thus attempted to burn them out. Talbot and his men, however, managed to elude the flames, as well as the pursuers. An old soldier of Governor Micheltorena, who was inimical to the Californians on account of their expulsion of his old leader, piloted them ninety miles across the mountains into the Tulare country; and from there they made their way in the course of about a month—after traveling some five hundred miles, mostly afoot and enduring much hardship and suffering—to Monterey.<sup>2</sup>

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. 1, 1046.

<sup>2</sup> Cutts, 156-159.

Fremont, who on May 27, 1846, soon after the declaration of war against Mexico had been appointed by the president of the United States lieutenant-colonel of the Californian volunteers—though the information did not reach California until this time—had about October 12, as already stated, left San Francisco with one hundred and sixty men in the ship *Sterling* for Santa Barbara. Instead of proceeding to that point, however—having on the way met the ship *Vandalia* from San Pedro, which gave him news of the condition of affairs at Los Angeles and informed him that horses could not be procured at Santa Barbara—he determined to return to Monterey. A succession of head winds and calms delayed him many days, and he consequently did not get back until October 28, by which time his men were compelled to live on the shortest rations and were half starved. At Monterey he changed his plan of operations; and, having found the water an uncongenial element, he made up his mind to drum up more recruits and march southward with a large force by land. He was engaged with his recruiting on November 8, when Talbot and his brave companions reached and joined him.<sup>1</sup>

California was now in a general state of warfare. The whole southern part of the territory was in the possession of the Californians, whose head-quarters were at Los Angeles; and all the disaffected in the north were forming parties and marching south to join them. Their numbers altogether were variously estimated at from twelve to fourteen hundred men. The Americans, on the other hand, except those who were with Stockton, were collecting at Monterey and joining the forces under Fremont. Every few days a new company of recruits, formed among the recent immigrants, arrived from the north. On November 12 Captain Grigsby of Sonoma came in with thirty mounted riflemen; and others came from San Francisco, Sacramento and San Jose, until the Californian battalion reached the number of three hundred men. On November 16, just before these forces were about to start southwards, news arrived of an engagement having taken place the previous evening on the Salinas river, fifteen miles east of Monterey, between a party of some forty Americans and about double the number of Califor-

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<sup>1</sup> Colton, 79, 83, 89.

nians. The Americans were on their way to join Fremont and had with them three or four hundred horses, which they were bringing from Sacramento. The fight took place at the river crossing and resulted in the killing of four Americans, among whom were Captain Foster and Captain Burrows, and three Californians. The Americans maintained their position; saved their horses, which they secured at San Juan Bautista, and drove the Californians off the ground. The latter, in raiding around the neighborhood, came across Thomas O. Larkin of Monterey, former United States consul at that point, whom they captured and carried off with them.<sup>1</sup>

On November 17, Fremont left Monterey and proceeded to San Juan Bautista, where he took up the party with horses from Sacramento, which had been stopped at that place. Thence on November 26, he proceeded southward. His force now amounted to between four and five hundred men and his artillery to four well mounted brass field-pieces. Californian guerrillas hovered on his flanks and, in connection with bad roads, rendered his progress slow. On December 14 a Californian named Jesus Pico, who had previously been released on his parole but afterwards forfeited his honor and put himself at the head of the insurrection in his district, was captured. On account of the man's prominence and the harm he had done by his example in breaking his parole, there was a very general demand among the Americans for his punishment. He was accordingly tried by court-martial, convicted of an offense meriting death and sentenced to be shot the next day at noon. But the next morning his wife and children, accompanied by a large number of friends, presented themselves to Fremont, threw themselves upon their knees before him and with tears and prayers begged mercy and pardon for the husband and father. Talbot, who was present, said he had never before heard such accents of grief, never before witnessed such an agonizing scene. He could not endure it and had to turn away. Nor could Fremont resist. He pronounced the promise of pardon. In a moment the tumult of feeling turned. Joy and gratitude took the place of grief and despair; and, instead of prayers and beseechings, there were now nothing but blessings and benedictions. To finish the scene, the

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<sup>1</sup> Colton, 92, 96, 97; Cutts, 159.

condemned man himself was brought in. He had been calm, quiet and composed; but, upon hearing his pardon, his stoicism broke down; his feelings overpowered him; he threw himself at Fremont's feet, swore eternal fidelity and asked the privilege of going with him and, if necessary dying for him; and from that time forward he was one of Fremont's most devoted friends. There was at first much fault found by some of the Americans at this leniency; they thought a rigorous example under the circumstances necessary; they objected that war was a serious business and that, while their own lives and the lives of so many of their countrymen were in jeopardy, there was no time for sentiment and dramatic scenes. But the ferment amongst them was soon calmed; and the line of march was again taken up.

Christmas was spent in crossing the Santa Inez mountains. The passage was made with great difficulty. Both men and horses suffered exceedingly. Between a hundred and fifty and two hundred horses were lost. The men were obliged to pull the cannon over the roughest places by hand. But they finally succeeded in effecting the passage; and on December 27 the Americans marched again into and took possession of Santa Barbara. It then became the grateful task and privilege of Lieutenant Talbot and his nine comrades to rehoist the American flag; and the principal authorities of the place were required to be present and witness the ceremonies. Thence Fremont and his little army marched down past the Rincon and through San Buenaventura to the Rancho de Cahuenga, where they arrived on January 12, 1847. There they unexpectedly saw the main body of the Californians in front of them and there, naturally expecting a battle, they stopped to prepare for it.<sup>1</sup>

Meanwhile care had been taken to protect the northern portion of the territory. There was no longer any enemy to the Americans north of San Francisco; but in and about the neighborhood of San Jose there was not only some apprehension but also some danger. The Californians who remained there were restive, and many of them ready for an outbreak at any time if a favorable opportunity should present itself. On the other hand the American settlers were not backward. During the bear-flag days and previous to the departure of Castro south-

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<sup>1</sup> Cutts, 159-162.

ward, a company of about thirty-two men was collected by Thomas Fallon in the Santa Cruz mountains and marched over into the Santa Clara valley for the purpose of starting the revolution in that region; but, finding that Castro was still there and the time not yet ripe, it had retired again into the mountains to await further developments and finally to assist in the subsequent conquest.

Soon after the raising of the American flag at Yerba Buena, Commander Montgomery of the Portsmouth sent James H. Watmough, purser of his vessel, with thirty-five marines to occupy and secure San Jose. This being done, and the conquest of the entire region apparently accomplished, Watmough returned to Yerba Buena, leaving San Jose in charge of a volunteer company under Charles M. Weber and John M. Murphy, who meanwhile had been commissioned as captain and lieutenant by Commander Hull of the Warren. But in November, after the news of the renewal of the war at Los Angeles was received, it was deemed proper to make San Jose a military post; and a new force, consisting of sixty marines under Lieutenant Pinkney of the Savannah, was sent to occupy and assist the volunteers in protecting the place. This force passed up the bay from Yerba Buena to Alviso in boats and then marched to the pueblo, where it took possession of the "juzgado" or alcalde's office, which it turned into barracks and fortified.

When the California battalion, about the middle of November, marched southward, the withdrawal of so many fighting men from the neighborhood encouraged a number of the Californians to band together and lie in wait for what might chance to turn up. Their opportunity presented itself in December. A party of five men under Lieutenant Washington A. Bartlett, who besides filling the office of alcalde of Yerba Buena was also attending in part to his duties as a naval officer, had started out for the purpose of purchasing a supply of beef. While engaged in driving the cattle they had collected in the neighborhood of San Mateo, they were suddenly set upon by a party of about thirty Californians under Francisco Sanchez, captured and carried off to their camp in the redwoods.

As soon as this capture became known the local excitement was extreme. Captain Weber called out his company and made

arrangements for marching; and, as the news spread, other companies hastily collected and got under way. At the same time Bartlett himself had many friends among the Californians; and even by those who were not specially his friends, the capture was deemed a mistake. Among others, Forbes, the British vice-consul, remonstrated and induced the captors to allow him to take the prisoners to Santa Clara. Having no particular cause of quarrel against Bartlett or his men, they agreed to consent to their unconditional release, provided Captain Weber, who had previously been in Mexican service and against whom they were especially bitter, were delivered up to them. But upon this proposition being reported to Montgomery, he refused to listen to it; and the prisoners were restored to their captors.

By this time, quite a force of Americans had collected. Besides the San Jose volunteers under Captain Weber, a company of Yerba Buena volunteers under Captain William M. Smith, a detachment under Captain J. Martin, and a number of United States marines under Captain Ward Marston—about a hundred in all, having with them a six-pounder field-piece—reached Santa Clara and, on January 2, 1847, marched out against the enemy, who were encamped not far distant. As soon as the Americans came in sight and fired a few shots, the Californians, said to be about two hundred in number, broke and retired into the Santa Cruz mountains, whither they had already sent the prisoners. There—being now satisfied that he was no match for the Americans and learning that still another force was coming up against him under Captain Maddox from Monterey—Sanchez, on January 8, gave up his prisoners, laid down his arms and surrendered at discretion. He was taken to Yerba Buena; put on board the *Savannah*, and for a short time held a prisoner, while his men were ordered to return to their homes and beware of creating any further disturbance, which they were thenceforth very careful not to do.<sup>1</sup>

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<sup>1</sup> History of San Mateo County, San Francisco, 1883, 133-142.

## CHAPTER III.

### KEARNY.

WHILE the United States naval forces in the North Pacific, aided by volunteers from among the American immigrants, were thus engaged under the directions of the secretary of the navy in seizing and, in so far as possible, securing California as a conquest from Mexico, other operations, having the same end in view, were being conducted by a portion of the United States army under the directions of the secretary of war. Almost directly after the president had been authorized by congress to accept the services of fifty thousand volunteers, it was determined, as has been already stated, to organize two separate armies in addition to the forces under General Taylor. One of these, to be called the "army of the center," was to collect in Texas, reinforce General Taylor, operate against the northeastern states of Mexico and march on the Mexican capital; and the other, to be known as the "army of the west," was to collect in Missouri, proceed to New Mexico and thence to California and seize and hold both of those territories. The last mentioned army was to be placed under the command of Colonel or, as he was thereafter to be known, Brigadier-general Stephen W. Kearny.

Kearny was a native of New Jersey. He had served as a lieutenant in the war of 1812 and been made a captain. In 1836 he became colonel of the first regiment of United States dragoons and in that capacity served in the then far west for twenty years, being usually stationed in Missouri either at St. Louis or at Fort Leavenworth. He married the step-daughter of William Clark of St. Louis, the partner of Meriwether Lewis in the famous Oregon exploration. In 1845 Kearny marched with five companies of his regiment of dragoons several thousand

miles through the Indian country, penetrating as far as the South Pass and Colorado, and displayed marked ability in conducting an expedition of that kind. He was therefore well qualified for command of the army of the west. The nucleus of this force was the five companies of dragoons referred to; and to these were joined in June, 1846, eight volunteer companies of mounted men under Colonel A. W. Doniphan, a volunteer company of dragoons which served with the regulars, two volunteer companies of light artillery and two companies of volunteer infantry. Ordnance, subsistence, about a thousand mules for draught, several hundred horses for mounting officers and dragoons, over three hundred wagons and stores in abundance were collected at Fort Leavenworth; and from that point the army started on its march before the end of the month.<sup>1</sup>

The first instructions to Kearny in reference to the expedition were contained in a confidential letter, dated Washington, June 3, 1846, addressed to him by William L. Marcy, secretary of war. He was told that it had been decided by the president to be of the greatest importance, in the pending war with Mexico, to take the earliest possible possession of Alta California; that an expedition with that object in view was therefore ordered, and that he was designated to command it. He was informed that an additional force of a thousand men had been provided to follow him to Santa Fe, to which place he was directed to proceed; and he was instructed, after making himself master of and securing New Mexico, to press forward with such force as remained to California. He was authorized to obtain the co-operation of all Mormon emigrants on the way to the Pacific and muster such of them, as might be willing to volunteer, into the service of the United States, not exceeding however one-third his own forces in number; and he was likewise authorized upon arriving in California to organize and receive into the service such well-disposed American citizens, settled on the Sacramento river near New Helvetia, as he should deem useful and proper. The choice of routes, by which he was to enter California, was left to his own judgment; but it was suggested that the so-called caravan route, by which the old communication between that country and New Mexico had been carried on,

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<sup>1</sup> Cutts, 33-36.



was reported to be practicable and could probably be passed over even in the winter time; and it was hoped he would accomplish the important object of reaching California before the end of the year. It was expected that the United States naval forces would by that time be in possession of the towns on the Pacific sea coast, and they would co-operate with him in the conquest of the country. Under all circumstances, however, large discretionary power was vested in him in all matters relating to the expedition; and he was expressly ordered, upon conquering and taking possession of New Mexico and Alta California or any considerable portions of either of them, to establish temporary civil governments and assure the people that a permanent free government, similar to those in other territories of the United States, would be established with the least possible delay and that they would then be called upon to exercise the rights of freemen in electing their own representatives. It was foreseen—continued the secretary—that what related to the civil government would be a difficult and unpleasant part of his duty and that much would therefore necessarily have to be left to his prudence; but in his whole conduct he was to act in such a manner as best to conciliate the inhabitants and render them friendly to the United States.<sup>1</sup>

About the end of June, 1846, as has been stated, Kearny marshaled his forces and started on his march from Fort Leavenworth. The trumpets sounded; the drums rolled; the dragoons sprang to their saddles; the infantry marched; the artillery moved and the long train of baggage and provision wagons fell into line. Four young lieutenants of the United States topographical engineers, the principal of whom was William H. Emory, with eight or ten voyageurs accustomed to the wilds, a baggage wagon, a spring car containing their instruments and several pack-mules, led the way across the prairies ahead of the main column. The route lay southwestward over the plains on the famous Santa Fe trail. By the end of July, they reached Bent's Fort on the Arkansas river, where they rested four or five days to recuperate and refresh themselves. Everything had gone well. The force consisted altogether of sixteen hundred and fifty-seven men. They had marched five hundred and sixty-

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<sup>1</sup> Cutts, 245-247.

four miles from Fort Leavenworth and were then within three hundred and nine miles of Santa Fe. At Bent's Fort, Kearny issued a proclamation to the people of New Mexico, stating that he entered the country for the purpose of seeking union with and ameliorating the condition of its inhabitants; that he did so under instructions from his government, and that he would be amply sustained in the accomplishment of that object. Citizens were enjoined to remain quietly at their homes and pursue their peaceful avocations and were assured that, so long as they did so, they would not be interfered with by the American army, but would be respected and protected in their rights, both civil and religious.<sup>1</sup>

The governor of New Mexico was Manuel Armijo. He had, as is said, about four thousand men under his command, but they were badly armed and inefficient. There were many places on Kearny's march where Armijo might have opposed his advance with great advantage; but his men refused to fight; and he was compelled to fall back from point to point and finally to pass over into Chihuahua. Kearny kept on, and upon the evening of August 18 entered and took possession of Santa Fe, the capital of the department, without having fired a hostile gun or spilled a drop of blood. In taking possession, he proclaimed the conquest of the whole of New Mexico by and for the United States; and, as he did so, the stars and stripes were hoisted on the flag-staff over the governor's palace and greeted with a national salute by the artillery. On August 22, he issued a second proclamation to the people, announcing his possession and intention to hold the department, with its original boundaries on both sides of the Rio Grande, as a part of the United States under the name of the "Territory of New Mexico." He said he had come with a strong military force; that an equally strong one was following in his rear; that he could put down any opposition that could possibly be made, and it would therefore be folly or madness to think of resistance; that the persons, property and rights of all quiet and peaceable inhabitants would be respected and protected in the amplest manner against the Utah and Navajo Indians as well as against all other enemies; that a free government would be provided as soon as possible;

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<sup>1</sup> Cutts, 41, 42.

that until this could be done the laws and officers would remain the same as before; that all persons residing within the territory were absolved from allegiance to Mexico, and that for the time being he was to be considered as governor. It was only three days before taking possession of Santa Fe that Kearny received his commission as brigadier-general; and this proclamation was issued by him in the name of his new dignity.<sup>1</sup>

On September 22, 1846, Kearny signed and published a system of laws for the government of the territory, prepared chiefly by Colonel Doniphan. These laws were taken in part from the laws of Mexico, in part from the laws of Missouri and in part from the laws of Louisiana. They were declared to be intended for the temporary government of the territory; but, upon subsequent examination at Washington, it was found that they contained provisions for the establishment and organization of a permanent territorial government and to impart to the inhabitants political rights which, under the constitution of the United States, could be enjoyed only by citizens of the United States. The subject having attracted the attention of congress, a call was made upon the president to communicate all orders and instructions issued to military leaders in reference to the occupation of Mexican territory, together with all proclamations, laws and regulations promulgated by virtue of them. In response to this call, the president on December 22, 1846, presented the documents and a special message in which he took occasion to say that the provisions referred to had not been approved or recognized by him, and in effect that only such regulations as were calculated for the security of the conquest, the preservation of order, the protection of the rights of the inhabitants and for depriving the enemy of the advantages of the territory while the military possession of the United States continued, would be approved or recognized.

At the same time that Kearny signed and published the system of government above referred to, he appointed a governor—Charles Bent—and other officers for the government of the territory. He had already made arrangements for continuing his march to California, and fixed on September 25 as the time of his departure from Santa Fe. His route was to be about two

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<sup>1</sup> Cutts, 43-60.

hundred miles down the Rio Grande, thence westward across to the Gila, down that river to the Colorado, across the Colorado and Colorado desert to the settlements and up the ocean coast to Monterey. The First United States dragoons, Major Sumner, numbering about three hundred men with two howitzers were to accompany him, followed by Captain Hudson's company of dragoons and what was called the Mormon battalion, which had been enlisted under a promise of being discharged in California. The other forces, which had come with him from Fort Leavenworth, he disposed of at various points for the holding of New Mexico. The artillery and infantry companies were to remain at Santa Fe, while Colonel Doniphan with his regiment was to be stationed about forty miles south of Albuquerque until relieved by another regiment from Missouri, when he was to march to Chihuahua and report to Brigadier-general John E. Wool, who was in command of the "army of the center."<sup>1</sup>

On the appointed September 25, everything being in order, Kearny and his forces for California set out from Santa Fe. They had before them a journey of over a thousand miles, a great portion of which was an absolute desert. But they had an experienced guide. A few days after starting they were astonished to see coming rapidly towards them from the west a party of men with a lot of mules. The leader was in person small and stoop-shouldered, had reddish hair, a freckled face and soft blue eyes. It was evident from his manner of traveling that he was a man of force; but there was nothing in his appearance to indicate the extraordinary courage and daring which he really possessed. On speaking with him, he had very little to say and usually answered questions in monosyllables.<sup>2</sup> But he told enough to make himself and his business known. He proved to be the famous scout, Kit Carson, on his way with fifteen men from the Pacific eastward. He had been sent by Fremont from Los Angeles, which place he had left on September 1 with dispatches for the government. He had undertaken to make the trip to Washington and back in a hundred and forty days and was pushing ahead with great speed, living on the flesh of his

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<sup>1</sup> Cutts, 60-66.

<sup>2</sup> Sherman's Memoirs, I, 47.

mules as they broke down with the rapidity of his journey. The meeting was unexpected as well to Carson as to Kearny. By the latter it was regarded as a piece of great good fortune. The opportunity of procuring so excellent a guide was not to be lost. Kearny induced him reluctantly to send his dispatches on to Washington by the hands of others and himself to turn around and lead the way back to California.<sup>1</sup>

Soon after starting, on account of the difficulty of procuring forage, mules were substituted in place of horses for mounting the men, and all the horses were sent back to the United States. After meeting Carson and learning more definitely the nature of the march before him, Kearny reduced his command to one hundred men, taking companies C and K and leaving companies B, G and I under Major Sumner in New Mexico. The officers he choose to go along were Captains Henry S. Turner, Abraham R. Johnson and Benjamin Moore, Major Thomas Swords as quartermaster, Assistant-surgeon John S. Griffin, Lieutenants William H. Emory and William H. Warner of the topographical engineers and Lieutenants Thomas C. Hammond and J. B. Davidson. Each company was given three wagons, each drawn by eight mules; and the strongest and hardiest animals were picked out of the other companies to supply the men with the best outfits. But this arrangement was soon found to be too cumbersome; and in a few days the general determined to send the wagons back, reduce the baggage and carry only what was absolutely necessary on pack-animals. And thus, on October 15, the little body with the big heart, designed for the conquest of California, left the Rio Grande, mounted the elevated plateau which forms the backbone of the continent, and struck out westward for the Gila.<sup>2</sup>

In passing through the Apache country, small bodies of these Indians were often met with, and they manifested a disposition to be very friendly with the Americans. This at first caused some surprise; but the motives actuating them were soon exposed by one of their chiefs, who made his appearance before the general and harangued him in substance as follows: "You have taken Santa Fe; let us go on and take Chihuahua and

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<sup>1</sup> Cutts, 67, 173, 180, 181.

<sup>2</sup> Cutts, 181-183.

Sonora. We will go with you. You fight for principle; we fight for plunder. We will agree together. The Mexicans are bad Christians: let us give them a good threshing."<sup>1</sup>

After leaving the Apache country, the cavalcade passed into that of the Pimas and Cocamaricopas; saw the famous Casa Grande or Casa de Montezuma and other ruins; at length about November 24 crossed the Colorado, and on December 2 reached the Agua Caliente or Warner's Ranch, the frontier settlement in that direction of California. There, Kearny learned that Los Angeles was in the hands of the insurrectionists and that Stockton with his forces was at San Diego. After resting two days at Agua Caliente, he proceeded in the direction of San Diego to the Rancho de Santa Isabel and thence on December 5 to Santa Maria within forty miles of San Diego, near which place he found Captain Gillespie and a small body of volunteers, who had been sent out by Stockton to meet him. While at Santa Isabel, he heard of a large party of Californians with many horses encamped not very far distant; and from Gillespie he learned that there were altogether some six or seven hundred of the enemy in the field at various points, and that they were determined upon opposing the Americans and resisting their authority to the utmost.<sup>2</sup>

The Californians in the neighborhood consisted of about one hundred and sixty men, under command of Andres Pico who held the positions of comandante of a squadron and captain of artillery and was then acting, in conjunction with Jose Maria Flores, as commander-in-chief of the insurrectionary forces. They were encamped at a place called San Pasqual on the San Bernardo river or creek, some fifteen miles west of Santa Isabel and thirty miles northeast of San Diego. Lieutenant Hammond was sent off to make a reconnoissance of their position and, on his return shortly after midnight, reported that the Californians had seen him and his party but made no attempt to pursue. Kearny determined to attack them the next morning at day-break. His arrangements were soon completed. Captain Johnston led the advanced guard of twelve dragoons, mounted on horses; then followed Captain Moore

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<sup>1</sup> Cutts, 186.

<sup>2</sup> Cutts, 187-196.

with fifty dragoons, most of them mounted on mules which they had ridden from New Mexico; then the volunteers sent by Stockton, about twenty in number, under command of Captains Gillespie and Gibson; then the two mountain howitzers brought across the country, with dragoons to manage them under command of Lieutenant Davidson, and then the remainder of the dragoons, volunteers and others with the baggage under charge of Major Swords, the quartermaster.

The road, along which the Americans marched, led down a ridge to the river or creek, crossed it and then continued in the narrow valley some mile or more down the course of the stream, after which it led up the hills on the opposite side; while the valley of the stream, where the road left it, first contracted into a narrow pass and then widened out into a sort of uneven bottom several miles in extent. As Johnston with his advance guard marched down the ridge, in the early dawn of December 6, to the crossing of the creek, he observed the enemy, already in the saddle, on the opposite side of the stream. The sight of them seems to have made him wild. He dashed forward, followed by his men, and made a furious charge; seeing which, Moore with his mule-mounted dragoons followed pell-mell. The Californians, though they kept up a continuous fire, could not withstand the onslaught, but gave way and retreated half a mile. In the first assault Captain Johnston fell, shot dead; but Captain Moore immediately took his place and led off rapidly with those mounted on horses in pursuit of the retreating enemy. The mule-mounted men followed as fast as their tired animals would move; but in a very short time there was a considerable space between the two bodies; observing which the Californians wheeled around, charged with their lances and for some time not only held their ground but did considerable execution. Finally, however, as the main body of the Americans came up, they again fell back, abandoned the field and retreated down the stream.

The Americans, after the battle, camped upon the ground and began gathering up their dead and wounded. Captain Johnston was dead, and Captain Moore and Lieutenant Hammond were fatally lanced and died in a few hours. Besides these, there were two sergeants, two corporals, ten privates of the

dragoons, a private of the volunteers and an employee of the topographical department killed, making nineteen in all. Kearny himself was wounded, also Lieutenant Warner, Captain Gillespie, Captain Gibson, one sergeant, one bugleman and nine dragoons. The howitzers had not been brought into action. An attempt had been made to fire one upon the retreating enemy; but the mules, which drew it, became unmanageable, broke away and ran off with it after the Californians, by whom they and it were captured. Of the Californians only six were known to have been killed; and subsequently, when Surgeon Griffin, after attending to his own wounded, sent word to Pico, offering to attend to his wounded also, the latter replied that he had none. The next day after burying the dead and making ambulances for the wounded, the Americans proceeded along the road to San Bernardo in the valley of the stream several miles westward of the battle-field. The enemy showed himself on the hills in front as they advanced, but left as they approached till near San Bernardo, where a party of the Californians took possession of a hill and maintained it until attacked and driven off. By this time the Americans had learned to respect the enemy and were more cautious and orderly in their assault. They were consequently much more successful, killing or wounding five of the enemy without any further loss on their own part.<sup>1</sup>

There can be no doubt that the attack at San Pasqual was a mistake. It was a mistake on the part of Kearny, who did not sufficiently take into consideration the condition of his forces, nor sufficiently appreciate the forces of the Californians. Captain Johnston made a still greater mistake by his impetuosity, and Captain Moore's headlong charge was fatal. It was melancholy to reflect over the graves of such brave men that they should thus have sacrificed themselves. But their death was not altogether in vain. Their comrades bore them in hallowed recollection and were taught by their fall to be more prudent and careful for the future of the great trust reposed in them. They learned from what had occurred that the Californians, though no match for them, were still not a despicable or cowardly foe. Whatever might have been said about them, or however cautious they might have been on many occasions of standing up

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<sup>1</sup> Cutts, 199-201.



against the superior arms and tactics of the Americans, it was now certain that they would fight and that they knew how to take advantage of mistakes on the part of their adversaries.

After the fight at the hill of San Bernardo on December 7, Kearny determined to remain there until he could communicate with Stockton at San Diego and obtain reinforcements. The enemy had moved southward and was between him and that place. It was difficult to pass them. But Lieutenant Edward F. Beale, who was one of the party that had come out from San Diego to meet Kearny, Kit Carson and a Delaware Indian, who had proved his skill as a scout, undertook to accomplish the feat. They left the camp in the night of December 9; threw off their shoes to avoid making a noise; crawled stealthily past the enemy, and, after traveling all night, lying concealed the next day and traveling again the next night, succeeded in reaching their destination, haggard from hunger, thirst and want of sleep and with their feet torn and bleeding from passing in the dark over sharp rocks and thorny shrubs. Stockton, upon being informed of Kearny's position, immediately sent a large party of marines under Lieutenant Gray to his relief. This party reached San Bernardo the next day, when Kearny and his force broke up their camp and proceeded to San Diego, which they reached on December 12. The Californians meanwhile marched northward.<sup>1</sup>

Stockton had been at San Diego for upwards of a month. Towards the end of the previous October, when he had sailed down to San Pedro for the second time in the Congress and found the Savannah lying there with Mervine and Gillespie on board after their unsuccessful attempt on Los Angeles already described, he landed and formed a camp with the intention of making San Pedro the base of his future operations. But, after fully considering all the circumstances and especially the exposure of his vessels in the open roadstead to the severe southeasterly gales that might at any time during that season of the year be expected, he changed his mind and determined to proceed to San Diego; get his ships if possible into the secure harbor there, and from that point march against the insurgents. Accordingly, abandoning San Pedro for the time, he re-embarked the

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<sup>1</sup> Cutts, 174, 201.

entire force and sailed for San Diego. Upon arriving off that port, he found it still in possession of Lieutenant Minor, but besieged by the enemy and in great danger.

No vessel of equal depth with the Congress had ever crossed the bar and entered the bay of San Diego. It was doubted whether the Congress could do it. An attempt was made; but the channel was missed and the vessel placed in such peril that it became necessary to desist and return to the anchorage outside. Up to this time Stockton had heard nothing of Fremont since parting from him at San Francisco; but the next day a brig, named the Malek Adhel, arrived and brought information of his return to Monterey and preparations for marching from there against Los Angeles by land. The Malek Adhel was a prize that had been captured by Commander Hull of the United States ship Warren in the harbor of Mazatlan on October 6 and had been sent to Monterey, whence it was almost immediately sent with dispatches to San Diego. Stockton, upon receiving this information, sent the Savannah, Captain Mervine, back to Monterey to aid Fremont; and himself, after various other arrangements with a view to marching and supporting Fremont in the projected attack upon Los Angeles, made a second attempt to get the Congress into San Diego bay. In doing so, after crossing the bar, the vessel grounded and was for a while in a very dangerous situation. To make things still worse, the enemy chose that opportunity to make a final desperate attack upon the town; and it became necessary to send a portion of the men, notwithstanding the peril of the ship, to take part in the fight. Fortunately everything turned out well. The frigate was drawn into deeper water and warped into the harbor; and the forces on shore under Minor and Gillespie defeated and drove off the besiegers.<sup>1</sup>

Upon landing with the remainder of his force, Stockton found San Diego in a most miserable and deplorable condition. The male inhabitants had abandoned the town, leaving their women and children dependent upon the Americans for food. There were no horses for the march and no cattle to supply fresh meat. In the course of a few days, however, Lieutenant Gibson, who had been sent on a foraging expedition into Lower California,

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<sup>1</sup> Ex. Doc. 2 Sess. 30 Con. H. R. No. 1, 1046-1048.

returned with ninety horses and two hundred cattle. These horses were however so much worn that it required several weeks to recuperate them; and in the meanwhile Stockton busied himself in constructing a fort to protect the town against future attacks and preparing harness, saddles and bridles for his march. While so engaged, information reached him of the insurgents being encamped in the neighborhood of San Bernardo and Captain Gillespie was ordered to mount as many men as he could and hold himself in readiness for an expedition with the object of surprising their camp. About the same time Captain Hensley, who had been sent to Lower California on a second expedition, returned from a successful foray with a hundred and forty horses and mules and five hundred cattle.

Such was the state of affairs at San Diego when Kearny's message from Agua Caliente, announcing his arrival, reached Stockton. The latter immediately ordered Gillespie to march, with the force he had been directed to have in readiness; effect a junction with Kearny, and conduct him to San Diego. Gillespie reached Kearny on December 5 and the conjoined forces marched to the fatal field of San Pasqual; thence to San Bernardo and thence, after being reinforced by over a hundred men under Lieutenant Gray, to San Diego, where they arrived, as already stated, on December 12. The meeting of Kearny and Stockton was cordial and friendly; but their amicable relations unfortunately were not destined to long continuance. Kearny was undoubtedly entitled, under his commission and instructions, to the chief command in the country; but Stockton had prepared his forces for marching against the enemy and thought himself entitled to retain the position of commander-in-chief. Nevertheless, according to the report which he afterwards made to the secretary of the navy, he tendered the place to Kearny, offering to accompany him as aid; but, according to the same report, Kearny positively declined and on his part offered to accompany Stockton as aid. However this may have been, it is certain that Kearny communicated his instructions and intimated that he of right ought to be the governor of the territory.

In the course of a few days Stockton, according to his report made in 1848, sent word that he was about ready to march on Los Angeles and invited Kearny to accompany him. Kearny

replied that he would do so. On the morning of December 29, the day appointed, after the troops were drawn up and about to start, Kearny approached Stockton and inquired who was to command them. Stockton answered that Lieutenant Rowan was to have the command. Kearny replied that he would prefer himself to have the command; and Stockton rejoined that he should have it in accordance with his wish. The different officers were then called together and informed by Stockton that Kearny had volunteered to command the troops and that he had given him the appointment, reserving for himself the position of commander-in-chief.<sup>1</sup> Kearny, on the other hand, in writing only a few days after the event to the adjutant-general at Washington, said that at the request of Stockton, "who in September last assumed the title of governor of California," he had consented to take the command of the expedition; that as such commander he had marched from San Diego, and that Stockton accompanied him.<sup>2</sup>

The American forces, which thus marched from San Diego, consisted of about five hundred men. There were sixty dismounted dragoons under Captain Turner, fifty Californian volunteers under Captain Gillespie, and the remainder marines and sailors. They had with them a battery of artillery. The march was slow. Several days after starting they were met by Julian Workman and Charles Flügge, who came as commissioners from the Californians and bore a letter, dated Los Angeles January 1, 1847, addressed by Jose Maria Flores, styling himself governor and comandante-general of the department and commander-in-chief of the national troops, to the commander-in-chief of the naval and land forces of the United States. Stockton, upon hearing of their arrival, repaired to the front and received the letter. In it, Flores stated that he had been informed by persons worthy of credit that the differences between Mexico and the United States had probably by that time been arranged, and he understood that definite news to that effect were momentarily expected. Under such circumstances, though he had hitherto declined to accede to propositions made by foreign residents settled in the country to open

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. 1, 1050, 1051.

<sup>2</sup> Cutts, 201, 202.

negotiations with a view to avoiding the evil consequences of war, he was now—in the confidence inspired by the hope that the information he had received was correct and with the wish to prevent a useless effusion of human blood—induced to propose a truce and negotiations for peace. Messrs. Workman and Flügge, the bearers of his note, had voluntarily offered themselves to act as mediators.

Flores went on in his letter to observe that, if his information should unfortunately prove incorrect and if the commander-in-chief of the United States forces should refuse to grant a truce and stay the evils under which the country was suffering, upon him alone, as the sole cause, would the terrible consequences fall. The citizens composing the national forces of the department were firmly determined to bury themselves under the ruins of their country rather than tamely consent to the tyranny and arbitrary power of the agents of the United States. The ability of the Californians to maintain their liberties was not problematical. Numerous deeds of arms had proved that they knew how to defend their rights on the field of battle. But in the hope and confidence of a satisfactory solution of all difficulties and differences, he had the honor of tendering the assurances of his consideration and esteem.<sup>1</sup>

Stockton, as soon as he had read the letter, replied verbally to the commissioners that he had on a previous occasion, after capturing General Flores and holding him a prisoner, released him on his parole of honor; that in now appearing in hostile array he had violated his pledge; that he therefore could not recognize or treat him as an honorable man, and that the only answer he had to return to his communication was that, if he caught him, he would shoot him. With this reply, the commissioners departed; and the Americans marched on.<sup>2</sup>

On January 8, 1847, upon reaching the San Gabriel river, some ten miles southeast of Los Angeles, the advancing forces perceived the enemy posted on the opposite bank, prepared to dispute the passage. They had about six hundred mounted men and four pieces of artillery and occupied an advantageous position some forty or fifty feet above the stream and eight or

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<sup>1</sup> Cutts, 131, 132.

<sup>2</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. I, 1051.

nine hundred yards back from it. The Americans immediately disposed their forces by advancing the artillery, consisting of two nine-pounders and four field-pieces; covering their front with a strong party of skirmishers; placing the wagons and baggage train in the rear, and protecting the flanks and rear with the remainder of the command. As they marched down to the ford, the Californians opened fire. Notwithstanding this fire, and in the face of it, and without replying, the Americans continued rapidly to advance; waded through the shallow water; dragged their guns across; placed them in position, and then commenced a vigorous cannonade, while the troops, as they crossed, formed into squares. As they did so, the Californians charged upon their left flank; but were met with so hot a reception that they fell back; and about the same time they withdrew their artillery also further back. The Americans advanced charging up the hill, with their artillery in a continuous state of activity in front, while the troops which followed lay as low as possible to avoid the cannon balls of the enemy, sullenly firing as they retired. The action altogether lasted about an hour and a half, when the Californians, having failed to stop the American advance, retreated towards Los Angeles and left the victors in possession of the field, near which, on the top of the bank, they encamped for the remainder of the day and the following night.<sup>1</sup>

The next day, the Americans again advanced towards Los Angeles. The route lay across the table-land south of the city called the Mesa, where the Californians, then under the lead of Castro, had encamped the previous August. As they advanced, the Californian cavalry appeared upon their front and flanks. At a point about midway between the battle-field of San Gabriel and the city, the Californian artillery, which had been concealed in a ravine until the Americans came within range, attempted to block the road, while their cavalry, dividing, made a furious onslaught on both flanks. The Americans immediately formed a square, with their wagons in the center and their guns at the corners, and in this position easily repelled the attack and in fact routed the Californians, who retired northward. The Americans continued to advance; in the afternoon encamped on the west bank of the Los Angeles river three miles below the

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. 1, 1051, 1052; Cutts, 130, 202.

city, and on the morning of January 10, 1847, without further molestation marched into and took possession of the capital. In the two battles, so-called, of San Gabriel and the Mesa, the Americans lost three killed, three severely and nine slightly wounded, among the latter of whom were Captain Gillespie and Lieutenant Rowan. The Californian loss was two or three times greater.<sup>1</sup>

The next day, Stockton issued general orders, congratulating the officers and men upon their brilliant victories and especially commending their gallant conduct in dragging the guns through the San Gabriel river against the fire of the enemy, and their cool determination in repelling the final attack on the plains of the Mesa. In these orders he still styled himself "governor and commander-in-chief of the territory of California." On the same day, he addressed a report of the battles under that title to the secretary of the navy.<sup>2</sup> The day subsequently, Kearny addressed to the adjutant-general at Washington a separate report upon the same subject; and it was in this report that he said he had taken command of the expedition at Stockton's request and that Stockton accompanied him.<sup>3</sup>

The Californians, as has been stated, retired northward. They proceeded to the Rancho de Cahuenga near San Fernando; and it was there they were met on January 12 by Fremont and the California battalion, coming from the north. Upon seeing them Fremont expected a fight. He was therefore surprised to find that the first thing they did was to offer propositions for a cessation of hostilities and for peace. How much he knew of what had occurred, or how much he cared to make inquiry as to the circumstances under which he was asked to negotiate, may be uncertain. But it clearly appears that he caught at the proposition for a negotiation. A board of peace commissioners, consisting of P. B. Reading, Louis McLane and William H. Russell, was immediately appointed by him to meet a like board, consisting of Jose Antonio Carrillo and Agustin Olvera, appointed by Andres Pico, then in chief command of the Californian forces. At the same time an armistice was proclaimed until the next afternoon for the purpose of giving the commis-

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<sup>1</sup> Cutts, 130, 202-206.

<sup>2</sup> Cutts, 129-133.

<sup>3</sup> Cutts, 201-205.

sioners time to treat and allowing the Californians to bring in those of their comrades, who had been wounded in the fights south of Los Angeles, to the mission of San Fernando.

The commissioners soon agreed on terms; and articles of capitulation were drawn up in accordance with them and signed at the Rancho de Cahuenga on January 13, 1847. The Californians agreed with their entire force to present themselves or, in other words, surrender to Fremont; give up their cannon, guns, swords and lances; return peaceably to their homes; conform to the laws and regulations of the United States, and not again take up arms during the war. They further undertook to aid and assist in restoring the country to a state of quiet and tranquillity; and upon the fulfillment of these conditions they were to be guaranteed the protection of their lives and property, as well those on parole as the others. Until a treaty of peace should be made and signed between the United States and Mexico, no Californian or Mexican citizen was to be bound to take the oath of allegiance; and any one who so desired was to be permitted to leave the country without let or hindrance. Every citizen of California was to be vouchsafed the same equal rights and privileges enjoyed by citizens of the United States; and all persons resident in the country were to be entitled to protection.

Upon the signature of the articles, the Californians, who had thus effected with Fremont what they had failed to effect with Stockton, laid down their arms and dispersed. Jose Maria Flores and a few others had already made their escape and were on their way to Sonora. Fremont with the California battalion proceeded to Los Angeles, where he reported himself and his proceedings to Stockton. Kearny on January 14 wrote to the adjutant-general at Washington that Fremont had arrived at Los Angeles and that the enemy had capitulated to him, but without giving any of the particulars. Stockton, on the other hand, wrote on January 15 to the secretary of the navy, transmitting the articles of capitulation and adding that he had approved them, notwithstanding he had previously refused to entertain propositions of capitulation made to himself.

Stockton, in his communication, said nothing about Kearny's presence; but took occasion to remark that, as Fremont had five hundred men in his battalion which would be quite sufficient to



preserve the peace of the territory, he proposed to immediately withdraw his sailors and marines and sail as soon as possible for the coast of Mexico. In other words, he assumed to ignore Kearny and his authority altogether. Kearny, on the other hand, in his communication to the adjutant-general, stated that as soon as the troops which had been ordered to follow him should arrive, he would, in accordance with the instructions of the president, take upon himself the management of affairs and endeavor to carry out his views in relation to the country.<sup>1</sup>

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<sup>1</sup> Cutts, 133, 134, 206.

## CHAPTER IV.

### KEARNY (CONTINUED).

THE assumptions of Stockton could not fail to bring about difficulty between him and Kearny. He claimed that the California battalion had been organized only under his direction and authority; that its officers derived their appointments exclusively from himself; that it had never, in any manner, been mustered into the service of the United States as a part of the army, but was essentially a navy organization; and that it was subject to his orders and his orders alone. He therefore insisted that all the officers and men in California, except Kearny and the dragoons who had come with him from New Mexico, were under the obligation of implicitly obeying all his orders, and that even Kearny and his men were under the same obligations for the reason that they had volunteered to accompany him to Los Angeles. By whatever process of reasoning he justified himself in these assumptions, he professed to be so thoroughly convinced of the correctness of his position that he considered it not only his right but his imperative duty to assert and maintain his authority and, if necessary, to do so by a resort to force.

At this time, and for some time afterwards, Fremont was represented as a sort of young lion. The several trips he had made across the continent and the several able and interesting reports he had published over his name attracted great public attention. He was hardly ever mentioned except in high-flown and hyperbolical phrase. He was always the "young and talented lieutenant" or the "gifted colonel" or some such expression. Everything he did was either "gallant" or "heroic conduct." Reports were made and even books written, which seemed to have little other purpose than to elevate him into prominence. The secret of all this was at bottom Senator Benton of Mis-

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souri, who had undertaken to engineer his fortunes. Benton was one of the most influential men of his day; and, as it soon became well understood that the surest way of reaching the father-in-law's favor was by furthering the son-in-law's prospects everybody that wished to court Benton praised Fremont. Besides this political influence thus exerted in Fremont's behalf, there was an almost equally strong social influence. Jessie Fremont, his wife, Benton's daughter, a lady of great talent, was not only by virtue of her father's position prominent in fashionable life, but on account of her own personal spirit and character, displayed and largely commented on by the newspapers at the time of her marriage, was also a favorite with a large portion of the American people. In social life consequently, as well as in political circles, it became fashionable to speak of Fremont as a something very extraordinary, a sort of prodigy, a rising star of the first magnitude.

Had Fremont and the influences exerted by him and on his behalf been entirely absent, there is no reason to believe there would have been any difficulty between Stockton and Kearny. Stockton had already in the previous August announced his intention of leaving California; and it is not likely that he would have cared much about who was to be governor after he left. But he had been induced to announce in advance that he intended to appoint Fremont. The matter had been settled and agreed upon between them. The arrival of Kearny, however, with the powers and authority vested in him by the president of the United States, was calculated to disturb their arrangement. They therefore claimed that the circumstances in California were entirely different from what they were supposed to be by the president when he gave Kearny his commission and instructions; that Kearny had been sent out to conquer the country first and then govern it, whereas the fact was that they had themselves substantially conquered it before he arrived and were entitled to its government, and that they were consequently justified in resisting Kearny's claims.

Fremont had scarcely reached Los Angeles when an open rupture between the commodore and the general took place. Before reaching that place, Fremont had reported himself and the command of the California battalion to Kearny; but, upon

his arrival there and learning that Kearny would interfere with his plans and particularly his project of being governor of California, he altered his attitude and reported himself and his command to Stockton.<sup>1</sup> On January 16, without consulting with Kearny, he approved a provision, which had that day been added to the capitulation of Cahuenga, to the effect that all paroles theretofore given were thereby cancelled and all prisoners released.<sup>2</sup> This conduct on the part of Fremont, indorsed as it was known to be by Stockton and indicating the arrangement between them, induced Kearny, without waiting for the arrival of the troops appointed to follow him, to act at once. He accordingly immediately addressed a note to Stockton, ordering him to cease from all further proceedings having reference to the formation of a civil government for the territory. Stockton answered by a reply note, suspending Kearny from the volunteer command, which he claimed the latter held under his appointment. This reply, which can hardly be said to have reflected any credit upon Stockton and certainly reflected no discredit upon Kearny, was afterwards invoked in a very curious manner by Stockton. When his conduct in these proceedings was disapproved at Washington and became a subject of investigation, with a refinement which would have suited a much lesser tribunal, he insisted that when he discharged Kearny as his volunteer the latter thereby became again brigadier-general of the United States army and that over him as such he had never attempted or claimed any control or authority.<sup>3</sup>

Kearny, having thus given notice that he had taken the arrangement of affairs into his own hands, left Stockton and Fremont at Los Angeles and returned to San Diego. Stockton and Fremont, however, paid little or no attention to the notice. Imagining that they were right in their claims, or that they had sufficient influence at Washington to protect them in their pretensions, Stockton issued a commission to Fremont as governor of California, and Fremont took upon himself the title and assumed the duties of the office. Soon afterwards Stockton withdrew; marched his marines down to the coast; re-embarked

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<sup>1</sup> Ex. Doc. 1 Ses. 30 Con. S. No. XXXIII, 36-39, 194.

<sup>2</sup> Cutts, 136.

<sup>3</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. I, 1052.

upon the Congress, and sailed to Lower California in search of a force of fifteen hundred Mexicans, who were falsely reported to be marching under General Bustamante for the recovery of the country. Fremont moved into the governor's mansion in Los Angeles and sent the greater portion of the battalion into quarters at San Gabriel.

Both Stockton and Fremont soon found that they had committed an error or series of errors. Stockton's proceedings in California, as manifested by his proclamations, had occasioned much adverse comment in the United States; and the navy department, as soon as it was informed of the facts, hastened to put a stop to his assumptions. On November 5, 1846, John Y. Mason, who had succeeded George Bancroft as secretary of the navy, wrote to him in very distinct terms that the president had deemed it best for the public interest to invest the military officer in command in California with the direction of operations on land and with the administrative functions of government over the people and territory. He was therefore ordered to relinquish to General Kearny or to Colonel Richard B. Mason of the first United States dragoons, who had been directed to proceed to California and take the command in case of Kearny's absence, the entire control over these matters and turn over to him all papers necessary to the performance of his duties. On December 19, 1846, the secretary of the navy wrote again, still more pointedly, that there had been no approval or recognition of any organized or established form of civil government for the Californias or any other Mexican territory in the occupation of the naval forces.<sup>1</sup> Upon receiving this information after his return from Lower California, Stockton sailed to San Francisco, where he gave up the command of the Congress, and set out on his return to the United States by way of the Rocky mountains.<sup>2</sup>

Kearny meanwhile, after leaving Stockton and Fremont and the civil government they insisted on establishing at Los Angeles, had proceeded to San Diego. There he found the so-called Mormon battalion, under the command of Lieutenant Philip St. George Cooke. This was an infantry battalion, con-

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<sup>1</sup> Cutts, 140, 259.

<sup>2</sup> Ex. Doc. 2 Ses. 30 Con. II. R. No. I, 1052.

sisting of about five hundred Mormons enlisted in Missouri on an understanding that they were to be discharged in California in the following June. It was to follow Kearny on his march to Santa Fe and thence proceed with him to the Pacific coast; but, failing to catch up with the rapid movements of Kearny and his little party on their march across the continent, it had followed more leisurely and reached San Diego in good order and condition on January 29, 1847. Cooke immediately reported himself and command to Kearny. From San Diego, which he placed in command of Cooke with orders to guard it and its neighborhood against any attempt on the part of the Mexicans, Kearny took passage on the *Cyane*, then about ready to sail for Monterey, with the object of meeting and concerting measures for the government of the country with Commodore William Branford Shubrick, who had on January 22 arrived at that port in the United States razee *Independence*. As the *Cyane* sailed into the harbor of Monterey on February 8, it fired a salute in honor of Shubrick, which was returned by a salute from the *Independence* in honor of Kearny.<sup>1</sup>

Shubrick had, on August 17, 1846, been ordered by the navy department at Washington to proceed to the Pacific and assume command of the United States naval forces there. In his letter of instructions, he was directed upon reaching California to ascertain if the previous orders for seizing San Francisco, Monterey and San Diego and proceeding against Los Angeles had been carried into effect. If not, he was to take immediate possession of Alta California and especially of the ports mentioned, so that in case of a treaty of peace with Mexico, the United States would be in a position to urge its right of possession and retain the country. A military force had been sent out for the purpose of co-operating with the navy in the accomplishment of this object. One detachment of this military force, consisting of a company of third United States artillery under the command of Captain C. Q. Tompkins, had already sailed in the United States ship *Lexington*. A regiment of volunteers was about to sail from New York under the command of Colonel Jonathan D. Stevenson. And a body of troops was on its march overland, by the way of Santa Fe, under Brigadier-general Kearny. The most

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<sup>1</sup> *Cutta*, 69, 138, 206, 207; *Ex. Doc. 2 Sen. 30 Con. H. R. No. 1*, 1070.

cordial and effectual co-operation between the officers of the two services was expected and would be required; and each would be held to a strict accountability for any failure to preserve harmony and secure the object proposed.<sup>1</sup> Under these instructions, Shubrick sailed by the way of Rio de Janeiro, Cape Horn and Valparaiso and, after a voyage of one hundred and twenty-five days, excluding stoppages, reached Monterey as above stated.

On January 28, 1847, the *Lexington* arrived at Monterey with Captain Tompkins and his company of one hundred and forty men. It brought also a field train of artillery, a number of heavy guns, mortars, shot, shells, muskets, pistols, swords, cartridges, several hundred barrels of gunpowder, a large quantity of shovels, spades, plows, pickaxes, saws, hammers, forges, tools of various kinds, a saw-mill and a grist-mill. Upon the same vessel came Lieutenant Henry Wager Halleck of the United States topographical engineers, who was intrusted with the erection of fortifications at Monterey and San Francisco.<sup>2</sup> As soon as Tompkins and his company landed, Shubrick, being already informed of the capitulation of Cahuenga, relieved the mounted volunteers under Lieutenant Maddox who had been guarding Monterey; and they were accordingly, on February 1, discharged with compliments and thanks. A few days afterward, he ordered the barricades removed from the streets; and Monterey, at length released from the hard necessities of martial law, again breathed free.<sup>3</sup> Captain Tompkins soon afterwards, either because he found there was no active service to be expected or because he was dissatisfied with separation from his family, tendered his resignation and returned, by the way of South America, to the East. His company, or such of them as were not otherwise employed, were put to work, under Lieutenant E. O. C. Ord, building a fort on the hill overlooking the anchorage and mounting some of the guns brought out by the ship. The fort was constructed of wood; the magazine made of logs dove-tailed together, and the whole surrounded with a palisade of stakes.<sup>4</sup>

The relations between Shubrick and Kearny were of the most

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<sup>1</sup> Cutts, 256-258.

<sup>2</sup> Colton, 163.

<sup>3</sup> Cutts, 137; Colton, 171.

<sup>4</sup> *Sherman's Memoirs*, I, 29; *Ryan's California*, I, 75, 76.

cordial character and entirely in consonance with the wishes and expressed instructions of the authorities at Washington. They met and immediately found themselves in perfect accord. Neither had in view any other object than the fulfillment of his instructions and the accomplishment of the purpose for which he had been commissioned. But Shubrick had been further instructed, if he met Commodore James Biddle in the Pacific, to report to him and act under his directions. At Valparaiso, Shubrick had met the ship *Columbus* with Biddle on board and had accordingly reported to him. Biddle had given notice that he would sail for California in a short time; and, until his arrival, Shubrick did not feel at liberty to take any very decided course. His hesitation, however, came to an end about the end of February, 1847, when Biddle reached Monterey. After the appropriate salutes, the two commodores and the general got together; and the programme of government for California was soon settled and fixed. It was arranged that Biddle, who by virtue of his rank was commander-in-chief of the naval forces but wished to be relieved, should return to the United States; that Shubrick should retain command of the North Pacific squadron, and that Kearny should be governor of California. Shubrick and Kearny fixed upon Monterey as the capital and seat of government and on March 1, 1847, issued jointly a general order announcing the arrangement.

The document gave notice that the president of the United States, desirous of giving and securing to the people of California a good government and happy civil organization and to protect them as well from internal commotions as from foreign attacks, had invested Commodore Shubrick and General Kearny with separate and distinct powers, civil and military, a cordial co-operation in the exercise of which they hoped and believed would have the happy results intended. To the former, as commander-in-chief of the naval forces, was assigned the regulation of the import trade, the conditions on which vessels would be admitted, and port regulations. To the latter, as commanding military officer, was assigned the direction of operations on land and the administrative functions of government over the people and territory occupied by the United States forces.<sup>1</sup>

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<sup>1</sup> Cutts, 139; Colton, 160.



On the same day, Kearny as governor issued a proclamation to the people of California, giving notice that he entered upon the discharge of his duties with a desire to promote the interests of the country and the well being of the inhabitants. He had been instructed, he said, to respect and protect the institutions of California; to take care that the religious rights of the inhabitants should be secured in the most ample manner, and to defend the persons and property of all quiet and peaceable inhabitants against each and every enemy, whether foreign or domestic. His inclinations, no less than his duty, he continued, demanded the fulfillment of these instructions and he invited the people to use their best efforts in assisting him to preserve order, promote concord and maintain the authority and efficacy of the laws. A free government would be provided as speedily as possible and the people invited to exercise the rights of free citizens in choosing their own representatives; but until then the laws actually in existence, which were not repugnant to the constitution of the United States, would continue in force unless expressly revoked by competent authority; and persons in the exercise of public employments would remain in them, provided they would swear to maintain the constitution and discharge their duties faithfully. All inhabitants of California were absolved from any further allegiance to Mexico and, if they remained quiet and peaceable, would be protected in their rights and regarded as citizens of the United States; but any one, who should take up arms against the government of the territory or instigate others to do so, would be regarded as an enemy and treated as such.

When Mexico had involved the United States in war, the latter had not had time to invite the Californians to join its standard as friends, but found itself compelled to take possession of the country to prevent it falling into the hands of a European power. In doing so, some excesses, some unauthorized acts, had no doubt been committed by persons in the service of the United States; and as a consequence some of the inhabitants had sustained losses in their property. These losses would be duly investigated, and those entitled to indemnity would receive it. For many years California had suffered great domestic convulsions. From the civil wars, as from poisoned fountains,

streams of calamity and pestilence had flowed over the beautiful region. But these fountains of evil were at length dried up. The stars and stripes now floated over California and would continue to wave over her and over the natives of the country and over those who should seek a domicile in her bosom, as long as the sun should shed his light; and, under the protection of that flag, agriculture must advance and the arts and sciences flourish like seed in rich and fertile soil. Americans and Californians, henceforth one people, should indulge one desire, one hope; and it should be for the peace and tranquillity of their common country. They should unite like brothers and mutually strive for the improvement and advancement of their commonwealth, which within a short period could not fail to be, not only beautiful, but also prosperous and happy.<sup>1</sup>

On March 6, 1847, the transport ship Thomas H. Perkins sailed into the harbor of San Francisco with Colonel Jonathan D. Stevenson on board and two hundred and fifty of his regiment of New York volunteers. This regiment consisted altogether of one thousand men, enrolled in New York for service in California during the war. They were mostly mechanics and enlisted with the intention of settling when the regiment should be disbanded at the close of hostilities. They had embarked on four transport vessels, the Thomas H. Perkins, the Loo Choo, the Susan Drew and the Brutus. The first three sailed from New York towards the latter end of September, 1846; the fourth a little later. The Perkins arrived at San Francisco on March 6, 1847, as stated, and the others afterwards followed. Stevenson's instructions, issued by the secretary of war on September 11, 1846, gave him general directions as to the conduct he was to pursue. His regiment, as well as Captain Tompkins' company of artillery which had preceded it, was to be a part of General Kearny's command. He was cautioned against undertaking any hazardous enterprise and enjoined to cultivate, as far as practicable, friendly relations with the people of California.<sup>2</sup>

Kearny, thus finding himself at the head of the civil administration and in legitimate command of the United States mili-

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<sup>1</sup> Cutts, 209-211.

<sup>2</sup> Cutts, 248-250.

tary forces in California, turned his attention to the settlement and government of the country. He had already on March 2, the day after assuming his office, ordered the government archives to Monterey as the capital; and he had also ordered the reorganization of the California battalion, which still remained with Fremont at Los Angeles. Stevenson with four companies of his regiment was ordered to Monterey and Lieutenant-colonel Henry S. Burton with three companies of the same to Santa Barbara. Lieutenant-colonel Cooke with the Mormon battalion was still at or near San Diego. The Californians, after their defeat and particularly in view of the recent arrivals of United States troops, were quiet; and there was no danger of any further outbreak. Nor was there any likelihood of an attack from Mexico. The government and military forces of that country had more than enough to occupy their attention in the very heart of their own territory.

One of the first acts of Kearny's civil administration, and the most important perhaps of all, was an attempted grant of land on the water front of San Francisco. The little village or town was growing rapidly. The recent arrivals of Mormons and others had increased the population to upwards of four hundred. Every one felt that it was destined to become a commercial center; but great inconveniences and obstacles stood in the way of its advance on account of the difficulty of procuring titles on its water front. The landing place for vessels at that time was at the easterly point of Telegraph Hill, forming the north point of the cove in front of the town. From this point the cove swept around with a great westward indentation nearly as far inland as the present Montgomery street and thence to the Rincon, which formed the south point of the cove. The entire water space between these points, being portions of the city which have since been filled in and covered over with houses, was then mud flats. To utilize them it was necessary that they should be owned in private proprietorship. To render the place a convenient one for commerce, wharves would have to be built to deep water and landings constructed for the loading and unloading of goods. Under the Mexican system, the sea beach for a distance of two hundred varas from the water was reserved; and grants of any portion of it were rare. According

to American ideas of a commercial port, on the contrary, the land next the water was most valuable when covered with business houses and was the first to be disposed of.

Shortly after Lieutenant Bartlett, the first *alcalde* of Yerba Buena under the American flag, had changed the name of the place to San Francisco, the requirements of the service demanded his presence on board the *Portsmouth*; and he was ordered back to the vessel. Edwin Bryant was appointed in his place and was sworn in and assumed office on February 22, 1847. Bryant, who took as deep an interest in the prosperity of the new port as Bartlett had done and was as ready to push it ahead of its rival on the Straits of Carquinez, immediately suggested the project of laying off the beach into blocks and lots suitable for improvement and selling them for the benefit of the town. The only difficulty was to find law to authorize such a disposition. But, as under the old Mexican laws the governor had the power, under certain conditions, to make grants of land, it was urged that the American military governor as his successor could do the same. Kearny was accordingly applied to; the necessities of the case were presented to him; and, in view of these and general solicitations, he consented to act. On March 10, accordingly, he issued a decree, in which he announced that as governor of California, in virtue of the authority vested in him by the president of the United States, he granted, conveyed and released to the town of San Francisco, its people and corporate authorities all the right, title and interest of the government of the United States and of the territory of California in and to the beach and water lots on the east front of the town between the points known as the Rincon and Fort Montgomery, excepting such lots as should be selected for the use of the United States by the senior officers of the army and navy then there, provided that the ground so ceded should be divided into lots and, after three months previous notice, be sold at public auction to the highest bidders—the proceeds to be for the benefit of the town.<sup>1</sup>

Bryant, upon receiving the decree, prepared an advertisement, dated March 16, 1847, and published it in the *California Star* at San Francisco and the *Californian* at Monterey, the two news-

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<sup>1</sup> Cutts, 212.

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papers of the country. After inserting the decree in full, he gave notice that the property referred to, lying between Fort Montgomery on the north, which was a battery on the eastern side of what is now known as Telegraph Hill, and the Rincon on the south, would be surveyed into building lots convenient for warehouses and stores, and exposed to public sale at easy terms on June 29 following. He added that San Francisco was known to all navigators and mercantile men, acquainted with the subject, to be the most commanding position on the entire eastern coast of the Pacific Ocean and that the town was without doubt destined to become the commercial emporium of the western side of the American continent.

Jasper O'Farrell, who had been previously employed by Alcalde Bartlett in making a survey and map of the town, was employed to lay off the beach and water lots. After this was done but before the day of sale arrived, Alcalde Bryant was succeeded by George Hyde, who postponed the sale from June 29 to July 20. On June 23, Richard B. Mason, then governor, by the hand of Lieutenant William T. Sherman assistant adjutant-general addressed a letter to Major James A. Hardie in command at San Francisco, directing suitable reservations for United States purposes to be made, including a site for a custom-house. Hardie replied on July 18 that he had made the reservations, one being at Rincon point; one between Montgomery, Washington and Jackson streets and the bay, and one between Sansome, Pacific and Broadway streets and the bay.<sup>1</sup> On July 20 the sale commenced and lasted three days. There were about four hundred and fifty lots, forty-five feet ten inches by one hundred and thirty-seven and a half feet, in the survey, of which two hundred were sold at prices ranging from fifty dollars to six hundred. The lots between Sacramento and Clay streets were reserved for future sale; and the astonishing advance of San Francisco in the next six years is well illustrated by the fact that in December 1853, when they were cut up into lots of only twenty-five feet front and exposed to public sale, they brought prices ranging from eight thousand to sixteen thousand dollars each.

It is very plain to any one familiar with law that Kearny's

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<sup>1</sup> Dwinelle, *Add.* 258, 259.

first act of civil administration—as his grant of the beach and water property may be called—was of no legal validity. His next act of administration, whether it was to be called civil or military, was of much the same invalid character, though perhaps, like the former, called out by the peculiar situation of affairs. In the course of the war, the Pacific squadron had taken several prizes which were not in a condition to be sent to the United States for adjudication in the regularly constituted admiralty courts. Under the circumstances, Kearny, in conjunction with Commodore Biddle, assumed the responsibility of organizing a prize court at Monterey and appointed Walter Colton, alcalde of that place, the judge of it. Colton, upon being installed, was under the necessity, as he relates, of turning his attention to the works of Kent, Wheaton and Sir William Scott; but he was unwilling to allow them to interfere much with his hunting of rabbits, quails and curlew or whatever other game might be in season to vary the too monotonous fare of tough Spanish beef.<sup>1</sup>

Fremont still remained at Los Angeles, a governor, as he claimed, but without anything to govern. He had already discovered that his pretensions would not be supported at Washington. Kearny had already ordered him to muster the California battalion into the regular service under his own command or, if the men declined, to discharge them. This order did not please either Fremont or the battalion. The men were not desirous of further service, as the fighting had come to an end; but at the same time they were unwilling to be disbanded without receiving their pay for past services. Here was presented a new difficulty; and Fremont deemed it proper, before doing anything further, to post off to Monterey and try the effect of negotiation. But Kearny was not disposed to parley. He said that he had given his orders and merely wished to know whether or not they would be obeyed. There was of course but one answer, and that in the affirmative, to be given. Fremont was therefore obliged to return to Los Angeles in no better position than he had left it. Upon getting back, he found orders to embark the California battalion to Monterey and himself to appear there.<sup>2</sup>

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<sup>1</sup> Colton, 194, 195.

<sup>2</sup> Ex. Doc. 1 Ses. 30 Con. S. No. XXXIII, 32-34.

Colonel Richard B. Mason of the first United States dragoons, who in the previous November had been ordered by the war department at Washington to proceed to California and take command of the military in the absence of General Kearny, arrived at Monterey on February 12. His instructions in respect to Fremont were that the latter might either join his regiment or resume the explorations upon which he had originally been sent to the country. But Fremont was then claiming to be governor and both alternatives were distasteful to him. He accordingly persisted in his claims and continued to act as governor. When he found that he had been playing a losing game, he asked permission of Kearny to form a party and make his way to the army under General Taylor in Mexico; but, in view of the attitude he had chosen to assume, it was too late to ask favors; and the permission was refused. Shortly afterwards he not only found himself obliged to disband the California battalion and report himself at Kearny's head-quarters at Monterey, but he also found himself ordered to accompany Kearny, who was preparing to return home overland, to the United States. In addition to all this, he found himself exceedingly unpopular among large numbers of the Americans in the country. The disbanded members of the California battalion had begun to perceive that he had been making use of them for his own purposes; and they were excessively indignant. An opportunity soon occurred for a public expression of the popular feeling against him. While he was at Los Angeles, apparently recognizing the weakness of his title to the office he claimed, he had had a petition started, asking the president of the United States to appoint him governor of California. This petition after being signed by numerous persons, especially Californians in the southern part of the territory, was sent north for signatures. Instead of accomplishing its purpose, however, it called out active measures to prevent his appointment. So violent and general was the feeling against him that, at a public meeting held at San Francisco in the middle of July, soon after the battalion returned home, not only was a protest against his appointment as governor prepared and sent on to Washington, but a committee was appointed to investigate and publish to the world the instances of his misconduct.<sup>1</sup>

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<sup>1</sup> *Annals of San Francisco*, 194, 195.

On May 31, 1847, Colonel Mason being present and ready to assume the functions of governor of California in his place, Kearny left Monterey on his return across the continent to the United States. His party consisted, besides himself, of Turner, Cooke, Swords and other officers returning homeward from service; also a company of the Mormon battalion acting as guards, and servants. Fremont with his party, consisting of all the men of his exploring expedition who had declined to be discharged at Monterey and desired to return to the east, nineteen in all, was obliged to follow. On the way Fremont desired to camp with his party where he pleased; but he was required by Kearny to camp in his neighborhood every night and much nearer the Mormon soldiers on one or two occasions than suited Fremont's fancies. He also asked to be relieved from all connection with the topographical company and allowed with a small party to take a different route across the continent; but permission to do so was refused.<sup>1</sup>

The party, or rather the two parties, arrived at Fort Leavenworth in Missouri about August 22. At that place, Kearny ordered Fremont to turn over the public property under his charge, arrange the accounts of the men who had come with him, then consider himself under arrest, repair to Washington and report himself to the adjutant-general of the army. In September, a court-martial was ordered to convene in the following November for his trial. This court met at Washington under the presidency of Brigadier-general George M. Brooke. Fremont appeared with his father-in-law, Thomas H. Benton, and his brother-in-law, William Carey Jones, as his counsel. Three charges were preferred: first, mutiny, with eleven specifications; second, disobedience of the lawful commands of his superior officer, with seven specifications; and, third, misconduct to the prejudice of good order and military discipline, with five specifications. The trial lasted from November 2, 1847, to January 31, 1848, and resulted in a finding that the accused was guilty on every specification and every charge, and a sentence that he should be dismissed from the service.

In its remarks upon the termination of the case, the court took occasion to say that it had been unwilling to confine the accused

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<sup>1</sup> Ex. Doc. 1 Ses. 30 Con. S. No. XXXIII, 281.



to a strictly legal defense, which appeared to be embraced within narrow limits, but had allowed great latitude and even indulged him in the unusual course, not ordinarily to be approved, of using indiscriminately in his defense matter which had been rejected from admission as evidence. An effort had been made to impeach the testimony of General Kearny; but, in the judgment of the court, nothing had been shown to affect his honor and character; while, on the other hand, the court could find nothing which, in a legal sense, could qualify the resistance to authority of which the accused stood convicted. Nevertheless, in consideration of all the circumstances and the professional services of the accused previous to the acts for which he had been tried, seven out of the thirteen members of the court recommended him to the clemency of the president of the United States.

The influence of Senator Benton was exerted on behalf of Fremont in more ways than one. In the course of the trial, Kearny called attention to the fact that Benton, as he sat in his place, had "made mouths and grimaces" at him, which he considered intended to offend, insult and overawe him. He said that he did not ask any action, in reference to the subject, on his own account, as he was fully capable of taking care of his own honor; but he considered it due to the dignity of the court that he should state the circumstance. Benton immediately arose and desired that what he should say would be taken down. He then charged that Kearny had on a previous occasion fixed his eyes on Fremont and looked at him insultingly and fiendishly. He had resolved on that account to look at Kearny, and he had looked at him, "looked at him till his eyes fell—till they fell on the floor." The words, as well as the tone and manner, of Benton may possibly have been intended by him to have an overawing effect upon the court; but if so, he was mistaken. He was at once called to order; and several members of the court stated that they had themselves noticed Kearny's look at Fremont and that the expression with which it was given, instead of being insulting, was one of politeness and kindness. Kearny himself said that he had not on the occasion referred to, or on any other, ever done or said anything to insult Fremont. Benton found his browbeating a failure;

but, on his disclaiming any disrespect to the court, no further notice was taken of his conduct than a verbal reprimand.<sup>1</sup>

James K. Polk, the president of the United States, when the proceedings were submitted to him, was not satisfied that the facts proved against Fremont constituted the military crime of "mutiny;" but he was of opinion that the other two charges were fully sustained and warranted the sentence of the court. It was therefore approved; but, in consideration of the peculiar circumstances of the case, the services of Fremont and the recommendation of a majority of the court, he ordered the penalty of dismissal from the service to be remitted. Fremont was at the same time directed to be released from arrest, to resume his sword and report for duty. As soon, however, as he received official notification of the president's action, he wrote to the adjutant-general, tendering his resignation as lieutenant-colonel in the army and at the same time declining to accept the clemency of the president. He gave as a reason that, as he did not feel conscious of having done anything to merit the finding of the court, he was unwilling by accepting the president's clemency to admit the justice of the decision against him. There may be much question whether the fact of tendering his resignation was not of itself a virtual acceptance of the president's clemency for the reason that, except for the clemency of the president in remitting the sentence of dismissal from the service, there was nothing to resign. All that he could reject in fact was the direction to resume his sword and report for duty. The president declined for nearly a month to act on the resignation, but finally on March 15 accepted it; and Fremont soon afterwards, with characteristic enterprise and energy, started on a new career.<sup>2</sup>

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<sup>1</sup> Ex. Doc. 1 Ses. 30 Con. S. No. XXXIII, 326-329.

<sup>2</sup> Ex. Doc. 1 Ses. 30 Con. S. No. XXXIII, 340, 341, 447.

## CHAPTER V.

### MASON.

**C**OLONEL RICHARD B. MASON commenced his administration as governor of California on May 31, 1847. His position, like that of Kearny before him, was that of commander of the United States military forces and civil governor of the territory in possession of the United States as a belligerent. This territory, at the time his administration commenced, included all of Alta California. By the capitulation of Cahuenga, the Californians had finally abandoned the contest, and the United States was in actual and undisturbed possession of the entire country. There were American troops and arms enough in the territory to hold it against any Mexican force that could have been sent against it.

Lower California was not regarded as of any great value in comparison with Alta California; but it was still deemed important to take possession of it. In waging war against Mexico, it was a part of the plan of the United States not only to march armies into its very heart, but also to seize its ports as well on the Pacific as on the Atlantic side. Commodore Stockton, very soon after the capitulation of Cahuenga, as will be recollected, had withdrawn his sailors and marines from Los Angeles, marched them back to their vessels and sailed a hundred and thirty miles down the coast of Lower California in pursuit of a reported army of fifteen hundred Mexicans said to be under the lead of General Bustamante. He landed and mounted some of his men; but, soon ascertaining that the report was false, he re-embarked and returned to Alta California. He had in the meanwhile, however, sent Commander John B. Montgomery, the same who hoisted the American flag at San Francisco, to seize the principal ports at the lower end of the peninsula and particularly that of La Paz, the capital.

Montgomery's instructions were dated February 2, 1847. He proceeded, as soon as he could make the necessary preparations, to the town of San Jose near Cape San Lucas and on March 29 sent a message, by the hands of Lieutenant John S. Missroon, to the alcalde of the place, demanding its surrender. The demand was couched in the most respectful and least objectionable terms that the nature of the case would admit. On the next morning the authorities of the town responded that there was not the least obstacle in the way of the Americans taking possession of the place; but they desired, while submitting to the strictest neutrality, to be exempted from any responsibility of raising the American flag. Upon this, Montgomery immediately landed a hundred and forty men; took peaceable possession of the town; hauled down the Mexican tricolor, and hoisted the stars and stripes. As the new standard unfurled, it was greeted by a national salute of twenty-one guns from the Portsmouth. Montgomery also, on the same day, issued a proclamation to the citizens and residents of the jurisdiction, announcing that he had taken possession in the name of the United States; counseling peace and quietness; recommending the pursuit of usual avocations; and inviting them to a full participation in all the political, civil and religious immunities secured to the people of Alta California by the terms of the treaty of capitulation of Cahuenga, which, for general information, he then and there promulgated in the district.<sup>1</sup>

From San Jose, Montgomery proceeded to the town of San Lucas, where he hoisted the flag on April 3, and from there to La Paz, the capital. At that place, on April 13, he sent to the governor and town authorities a demand for its surrender, similar to the one he had sent at San Jose. Lieutenant Missroon, who was likewise in this case the bearer of the summons, was instructed to require of the governor, who was a Mexican colonel, his parole of honor not to take up arms against the United States during the war, unless regularly exchanged, and to continue to reside at La Paz. Missroon presented the demand, and a reply was made that there was nothing to prevent the Americans from hoisting their flag, as there were no forces in the territory to oppose it; but at the same time a commission, consisting of

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. I, 1056-1059.

Lieutenant-colonel Francisco Lope Urriza and others, had been appointed to confer in reference to measures of peace. The next day Missroon landed with ninety seamen and marines; took possession of the town; marched to the fort, and ran up the American flag, which received the usual national salute. He then read a proclamation issued by Montgomery in substantially the same terms as the one issued at San Jose. Immediately afterwards Missroon and Assistant-surgeon A. A. Henderson, by direction of Montgomery, met the Californian commissioners and in a very short time agreed upon a series of articles, constituting a convention or treaty for carrying out the spirit of the proclamation and the surrender. Strict neutrality on the part of the Californians was provided for; Mexican officers were to give their parole according to the usages of war; the authorities of Loreto and all others within the jurisdiction of the capital were understood on both sides to be included in the treaty; the functions of the governor or, more properly, of the political chief were to be vested in the municipal authorities of the capital, subject to any new arrangement by the American commander-in-chief, and the people were assured of the same rights and privileges enjoyed by citizens of the United States. The treaty was to continue in force until the resolution of the commander-in-chief of the naval forces of the United States in the Pacific could be known; and in the meanwhile the country would continue to be governed by its own laws.<sup>1</sup>

Having thus taken possession of the main points of Lower California, the United States naval forces proceeded to seize the port of Guaymas. This was accomplished on October 20 by Captain E. A. F. Lavallette of the frigate Congress and Commander Montgomery of the Portsmouth, acting under the instructions of Commodore Shubrick. On October 17 Shubrick himself, in the Independence, left Monterey for the coast of Mexico, and on November 10, having in the meanwhile been joined by the Congress and Cyane, reached Mazatlan, of which he the next day took possession. Meanwhile, on account principally of the small force left in Lower California, trouble was caused by some of the disaffected inhabitants and especially by a crowd of Yaqui Indians, who had come over from Sonora on

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. I, 1059-1065.

the promise and with the prospect, held out to them by the Lower Californians, of securing plunder. They were a fierce race, of great physical strength and endurance; and, if they had had leaders worthy of them or if they had been defending their own homes, it is likely that the conquest of the peninsula would have been much more difficult than it proved. Even as it was, they made an ugly resistance and did substantially all the fighting that was done. This was the case at Loreto and Mulejé in the early part of October; but the rising there was soon put to a stop by Commodore Thomas O. Selfridge of the United States ship *Dale*. Towards the end of November, 1847, and in January and February, 1848, several attempts were made upon the garrison at San Jose; but they were repelled by the handful of men under command of Lieutenant Charles Heywood aided by Commander S. F. Dupont of the *Cyane*. On January 12, 1848, San Blas was taken possession of by Lieutenant-commandant Theodorus Bailey of the *Lexington*; and soon afterwards the guns of Manzanillo were spiked by Lieutenant-commandant Frederick Chatard of the bark *Whiton*. On January 31, Shubrick wrote to the secretary of the navy at Washington that Mexico had not a gun mounted on the coast of the Pacific, except at Acapulco; and that a small additional force would have enabled him to disarm that place also. On March 30, he wrote that he had heard from the city of Mexico of a military convention for the suspension of hostilities between the United States and Mexican forces, and that he was preparing to enter into an armistice with the governor of Sinaloa.<sup>1</sup>

The Mexican army had in fact been entirely defeated, the Mexican capital taken and the Mexican war substantially finished long before Shubrick heard of it. After General Taylor had seized Matamoras in May, 1846, he advanced into the Mexican territory and in September, after a conflict of several days, took Monterey, the capital of New Leon. From that place he advanced with his forces, which were known as the "army of occupation," still further into the interior. In February, 1847, having in the meanwhile been reinforced from the army of the center, but still with less than five thousand men all told, he fought the bloody battle of Buena Vista in the neighborhood of

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. I, 1075-1148.

Saltillo against twenty thousand of the enemy under Santa Anna, who had assumed command of the Mexican army. It was for his determined persistence in this famous battle that it was said of Taylor that he did not know when he was beaten. He obstinately fought on against defeat and finally drove the Mexicans from the field. With this battle, Taylor's active military service ended. His further advance was prevented by the cabinet at Washington; and not long afterwards he retired. The people of the United States, however, took up his cause for him; and, partly in recognition of his services and partly in rebuke to the administration which interfered with his career, made him the next president of the United States.

Meanwhile the American naval forces in the gulf of Mexico under Commodore D. Conner were advancing southward. On October 26, 1846, Tobasco, and on November 14, Tampico was taken by Commodore M. C. Perry. About the same time General Winfield Scott prepared to leave Washington for the purpose of assuming the chief command of the army in Mexico; making a descent upon Vera Cruz, and from there marching upon the capital. The plan in effect was, while the progress of Taylor's forces was substantially stopped, to reach the Mexican capital with another army and by another route. Scott left Washington on November 24, 1846; proceeded to New Orleans; sailed from there on December 23; joined the fleet and on March 9, 1847, in conjunction with the naval forces under Commodore Perry, commenced the bombardment of and attack upon Vera Cruz. That place, after a desperate conflict of sixteen days, capitulated. On March 29, the city and its forts and the famous castle of San Juan de Ulloa were taken possession of and occupied by the American forces.<sup>1</sup>

From Vera Cruz, leaving that place in command of General Worth, Scott marched with between eight and nine thousand men towards the city of Mexico. Upon reaching the more elevated grounds of the interior at a place called Cerro Gordo, he found about twelve thousand Mexicans, under command of Santa Anna and Ampudia, intrenched and prepared to dispute his passage. In making his dispositions for an attack, Scott displayed great skill and was ably supported by Generals

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. II. R. No. I, 1161-1187.

Twiggs, Pillow, and Shields, and Colonels Harney and Riley. The battle took place on April 17 and 18 and resulted in the complete rout of the Mexicans. This victory opened the way for the Americans to the upper plateau of the country; and Scott with his army advanced to Jalapa and Perote, and on May 22 took possession of Puebla on the main road to the capital, driving the Mexicans before him. By this time several overtures with a view to peace had been made by the authorities at Washington; and after the battle of Cerro Gordo, Nicholas P. Trist was sent to Mexico with full power to treat. But it did not suit Santa Anna's purposes, in the position in which he then found himself, to conclude the war; and, with his accustomed dexterity, he managed to stir up the masses of the Mexican people to continued resistance. Under the circumstances, Scott advanced upon the capital. Setting out with his army on August 17 from Puebla, he mounted the heights which stretch out from the shoulders of the snow-clad volcanic peak of Popocatepetl and form the eastern rim of the valley of Mexico. From those heights, the eye looked down westwardly upon a nearly circular basin, about fifty miles in diameter, inclosed on every side with mountains, here and there rising into snowy cones. Near the center of the basin lay six lakes, and distributed at different points were seen ten cities or populous towns. On the westerly side of the largest of the lakes and near the southwesterly border of the basin lay the city of Mexico.

There were four roads from the American position to the capital. The most direct of these led almost in a straight line to the eastern gate of the city; but it was seen to be strongly fortified. The second lay a little further to the south and reached the city by the southern gate. This too was protected by field works, so as to be almost as strong as the other. The third road ran northward through Tescuco around the northern end of the large lake and thence southerly, entering the city on the northern side. It was the longest and most circuitous route; and, besides several strong passes, there was a large body of Mexican troops stationed at Tescuco. The fourth road ran to the southwest between the shores of Lake Chalco and Lake Xochimilco and the southern rim of the valley and then, turning with a right angle at Contreras ran north and, joining the second road,



entered the city by the southern gate. Scott chose the fourth road as the most practicable and, having done so, advanced rapidly upon it. His choice to a great extent disconcerted the plans of Santa Anna, who was expecting him on one of the other roads and prepared to attack him in rear as well as in front on either of them.

While the American forces consisted of less than nine thousand men and the Mexicans altogether of nearly thirty thousand, the latter were more or less scattered on the different roads and in the various fortified places. If the Americans had taken any one of the other roads, the Mexicans could have been massed upon them long before they could have advanced any great distance. But as it was, no obstacles of any account could be made to their progress until they had passed the narrow defiles between the lakes and the mountains and were about turning northward in the neighborhood of Contreras. At this point a portion of the Mexican army under General Valencia was hastily gathered, while Santa Anna with the main body was posted further north. It is said that Santa Anna's plan, after ascertaining the course taken by the Americans, was to mass his entire forces on the comparatively level grounds south of the city and overwhelm the invaders by outnumbering them three to one, and that he ordered Valencia not to risk a battle at Contreras. But Valencia imagined that he could make an advantageous attack, as the Americans were about turning northward, and assumed the responsibility of doing so. The result was the battle of Contreras, fought on August 19, 1847. In the operations connected with this battle—the first in the valley for the possession of the capital—Scott was ably seconded by his subordinate generals and officers, among whom, besides Generals Pillow, Twiggs and Shields, were Generals Franklin L. Pierce and Persifer F. Smith, Colonel Bennet Riley and Captain Robert E. Lee. The result of the battle, in which there seem to have been about four thousand Americans and six thousand Mexicans engaged, was the complete defeat of the latter.

Santa Anna's rage against Valencia, upon learning the result, is said to have been furious. Whether it be true that he ordered him to be shot, if found, may be doubted; but it seems that Valencia fled and for a long time concealed himself. It is cer-

tain that he took no further part in the war. His mistake was much more serious than would have at first sight appeared. His troops were what were known as the veterans of the north and were much the best in the Mexican army. Their rout to a great extent demoralized the remainder and opened the way for the Americans to the neighborhood south of the city. As the latter advanced, they attacked the strongly fortified convent and village of Cherubusco, which lay in their front and only five or six miles south of the capital. Almost all the Mexican forces, including the remnants of Valencia's army, were concentrated at this point. The Americans fought against great odds; but, after a long and desperate conflict, carried the place and planted their flag upon the convent walls. The Mexican army, having lost heavily, including killed, wounded and prisoners, fled to their other fortified places or took refuge in the capital.

Scott might have marched directly into the city; but he would have reached it in the night-time and without much knowledge of its defenses. Under the circumstances he prudently determined to wait and accordingly bivouacked on the field he had just won. The city meanwhile was in the greatest consternation. Santa Anna rushed to the palace, hastily assembled the ministers of state and urged the necessity of an armistice. The principal citizens and the foreign consuls and residents were active in preventing an assault. Scott was desirous of a suspension of hostilities provided it was to lead to a treaty; but he declined to grant an armistice except with reference to a treaty. On August 21, without stopping his preparations for an assault, he transmitted his propositions in answer to the proposals sent him; and they were accepted. On the next day commissioners were appointed by the respective generals to arrange a treaty; and an armistice was signed on the day after.

Whether Santa Anna was really desirous of ending the war, or whether he was merely endeavoring to temporize and gain advantages, or whether he was forced to a breach of faith by the outcry of the Mexican populace against the invaders, is, perhaps, a matter of small consequence. However this may have been, Scott soon found that he was being trifled with, and that there was no probability of a satisfactory treaty. It was probably a mistake that he had not marched into the city and taken

possession of it at the start. But he had not done so; and several weeks passed without any actual progress in the negotiations. On September 6, Scott informed Santa Anna of various violations of their agreement and notified him that, unless satisfaction for the breaches of faith to which he called his particular attention were made by noon the next day, he would consider the armistice at an end. Santa Anna replied with recriminations and declared his willingness to again appeal to the arbitrament of war. At the same time he issued an inflammatory appeal to the Mexican people, denouncing the Americans in unmeasured terms of reprobation and calling for vengeance against them.

The war opened afresh. While the Americans had strengthened themselves in their positions, the Mexicans had also strengthened themselves. Scott found that he could not march directly into the city, as, perhaps, he might have done immediately after Cherubusco. It is possible that at that time, with celerity of movement, in view of the flush of victory on his own side and the demoralization of terrible defeat on the other, he might have seized and held all the strong places and from the the palace itself dictated his own terms. But he now found severe work on his hands. His head-quarters were at Tacubaya a few miles southwest of the city. About a mile to the north was a lofty, isolated hill, on which stood a large building, frowning with cannon, known as the castle of Chapultepec. West of this and not far distant was a sort of foundry, used for casting cannon and other military purposes, known as El Molino del Rey. Both these places were strong positions, where the Mexicans could rally and defend themselves if driven from the city; and it was therefore deemed necessary to take them before a direct assault upon the city itself should be made. At the same time it was determined that, when the assault upon the city should be made, the main attack was to be upon the west side. But if both places were taken at once, it was thought the design of attacking the city from the west would become apparent to the Mexicans, and they would mass all their forces in that direction; whereas it was important to make them believe the main attack would be from the south, so that a large portion of their troops might be diverted. Scott therefore ordered an

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attack first upon El Molino del Rey, with instructions that after that should be taken the troops were to retire, as if the next attack were to be upon the city itself and on the south side.

The plan was well laid; but the execution cost many valuable lives. Santa Anna seems to have learned beforehand of the intended attack upon El Molino del Rey; and he therefore thoroughly manned and prepared the place. The assault, since known as the battle of Molino del Rey, took place on September 8. The Americans engaged did not much exceed three thousand, while the Mexicans numbered fourteen thousand. Instead of a mere assault of a few hours, it proved a desperate conflict, lasting the whole day and much of the following night. The loss was severe on the part of the Americans and very severe on the part of the Mexicans, who were finally driven from the ground.

The Americans, after carrying El Molino del Rey, retired in accordance with their previous instructions to the neighborhood of Tacubaya. The castle of Chapultepec still remained untouched. Preparations were made, however, during the next couple of days, for assaulting it and then attacking the city from the west. But in the meanwhile the attention of the Mexicans had to be drawn off by a pretended attack upon the south gate. On the morning of September 11, accordingly, the whole American army seemed to be concentrating on the south of the city. The feint was kept up with great skill all that day and all the next day and the day after. Santa Anna was completely deceived by superior strategy; nor did he learn the truth of Scott's design until it was too late. Still believing the main fight was to take place at the south gate, he devoted his chief attention to it, while Scott was making his final arrangements for taking Chapultepec and precipitating his forces upon the west gate.

An artillery attack upon the castle commenced on September 12, but was regarded by Santa Anna as a mere diversion and of little importance. He still clung to the south gate. On the morning of September 13, the artillery again opened upon Chapultepec and continued an unremitting fire until eight o'clock, when the heavy guns suddenly ceased. The Americans then rushed forward from several sides at the same time; clambered

up the heights; reared their ladders; scaled the walls, and, pouring into the fortifications, bore down all opposition. There was a hand to hand fight; but nothing apparently could resist the onslaught of the storming parties. In a short time, the place was taken at every point; and the Mexican troops, who had not fallen or been taken prisoners, were flying towards the city.

As soon as Chapultepec fell, Santa Anna hastened the greater portion of his troops from the south gate; but it was then too late to stop the advance of the Americans. The roads approaching the city were built for the most part upon causeways and in some places upon arches. Along these the Americans pressed forward in the face of the Mexican fire. Scott had posted himself on the top of Chapultepec, from which he could see and direct the advance and send up his reserves to support the forward columns. Onward they went—at one time engaged in fighting step by step, at another in dislodging a battery and at another in dragging forward their guns—until evening, when they reached the west gate and planted their guns in position to throw shot and shell into the city during the night. This advance was conducted by the division, and under the lead, of General Worth, who had come up from Vera Cruz. Meanwhile General Quitman and his division, to whom had been assigned the duty of keeping Santa Anna busy at the south gate, being fired with emulation at the news from Chapultepec and the advance from the west and observing the withdrawal of a large portion of the Mexican troops, pressed forward and, by a steady and unflinching assault, carried the south gate and effected a lodgment inside the walls. They were thus the first to enter the city.

By midnight the war, so far as fighting was concerned, was substantially over. As soon as it was ascertained that the south gate was in possession of the Americans, Santa Anna and his officers met for the purpose of deciding upon future movements. Their deliberations were disturbed, as well as hastened, by the loud discharges of Worth's guns, who had commenced throwing bombs from the west gate. The bursting and crashing of these in the center of the capital completely demoralized the council. They decided that the city must be evacuated and evacuated at once. A coach carried Santa Anna to Guadalupe Hidalgo, a little town about three miles north of the city; and

by midnight the Mexican troops began their retreat. Soon afterwards a deputation from the ayuntamiento of the city waited upon Scott with information of the retreat and asking terms of capitulation. Scott, however, was not to be deceived a second time and refused to treat. On the contrary, he sent word to Quitman and Worth to advance with the first glimmering of morning and occupy the strongest and most commanding points. They did so; and in a short time after the dawn of September 14, while Worth with his division was coming up from the west, Quitman and his division marched into the great square and hoisted the American flag on the national palace. At nine o'clock, Scott himself, accompanied by his staff, rode up in front of the palace amidst the shouts of his conquering and exulting army. He dismounted; ascended the palace stairway; entered the grand hall of audience; sat down where a long line of viceroys and presidents had sat before him, and then and there, like a second Cortes, announced his occupation of the Mexican capital.

The war, so far as fighting was concerned, was, as before stated, substantially over; but much remained to be done in preserving the mastery until the terms of peace could be arranged. Santa Anna attempted to regain his lost prestige by besieging Puebla and cutting off the American communication with Vera Cruz; but he not only failed in this but found it prudent as soon as possible to leave what he called an ungrateful republic and seek on a foreign soil that security which, as he said, he could not find in the land of his birth. He left the shores of Mexico on April 5, 1848. Meanwhile the terms of peace were arranged and settled upon. Trist, the American plenipotentiary, though he had as a matter of fact been recalled by the administration at Washington, assumed to negotiate. Commissioners were appointed to meet him at Guadalupe Hidalgo; and there on February 2, 1848, the treaty between the United States and Mexico was signed. It was immediately dispatched to Washington; transmitted by the president to the senate and, notwithstanding the irregularity of its negotiation by Trist after his recall, ratified with very little change on March 16. It was then sent back to Mexico and submitted to the Mexican congress, which was sitting at Querétaro. That body

also immediately ratified it; and the ratifications were finally exchanged on May 30, 1848.

By the terms of this treaty, known as that of Guadalupe Hidalgo, peace was re-established; all hostilities suspended; blockades of Mexican ports raised; provision made for the withdrawal of American troops from Mexican territory and the restoration of castles, forts and places on Mexican soil; the boundary line between the republics fixed so as to give all of Alta California, New Mexico and Texas to the United States, with free navigation of the Gulf of California and Colorado river south of the boundary line, and provision made for the navigation of those portions of the Rio Bravo del Norte and Gila, constituting parts of the boundary. Mexicans, resident in the territories ceded, were to have the right of becoming citizens of the United States or not as they might desire; provision was made for the prevention of Indian incursions from American territory upon Mexican soil; the sum of fifteen million dollars in five annual installments of three million dollars each was to be paid by the United States to Mexico in consideration of the extension of boundaries, and the United States government was to assume certain claims against Mexico and discharge Mexico from all responsibility therefor.

The ratification and promulgation of the treaty changed the status of California entirely. The great object, contemplated and evidently desired by the United States for many years, was at length accomplished. Alta California and particularly the great bay of San Francisco and adjacent country was now an integral and indisputable part of its territory. It was no longer merely held by the United States as a belligerent; but the dominion over it and the ownership of its soil were legally and formally transferred in the most solemn and authoritative manner. From that moment, it became in every sense of the word a territory of the United States—the same as Oregon or any of the other territories west of the Missouri river. According to the terms of the treaty, all castles and forts and places in Mexico taken during the war were given up and evacuated; Lower California was relinquished; all American soldiers were recalled from Mexican soil, and all blockading vessels withdrawn from Mexican coasts. But California, New Mexico and Texas

remained, as they were, in possession of and became a part of the United States.

In the meantime, while the war was drawing to a close, Alta California continued in the same quiet and peaceful condition in which it had been turned over by Kearny to Mason at the end of May, 1847. Upon his assumption of office, Mason issued a proclamation announcing the fact. He then at once directed his attention to various matters of administration which called for regulation. Among other things, as the country was fast filling up with immigrants who were settling upon such tracts of land as suited their fancy, it was deemed necessary, for the purpose of as far as possible preventing disputes among them, to appoint land surveyors. One of these appointments, dated May 7, 1847, was that of William B. Ide as surveyor of the northern department or district lying north of San Francisco. After the bear-flag had been supplanted by the star-spangled banner, Ide had volunteered in the California battalion and marched with it to Los Angeles. Afterwards, when the battalion was ordered to be disbanded and the men were left unpaid, he was obliged to return to his home the best way he could. Being without means, he applied to the captain of a vessel bound for San Francisco, at the same time stating that he had no money with him but plenty at home. The captain eyed him for a few moments and replied that it was customary to receive passage money in advance. Ide then proposed to "work his passage." The captain asked him if he could saw wood, to which he replied, "Yes, I have sawed lots of it in my day;" and thereupon he was told to go aboard; sent to the steward, and set at work sawing wood for the galley fire. It happened that Commodore Stockton, then on his return from Lower California, visited the vessel before it sailed and, seeing Ide vigorously at work over the saw-buck, asked the captain if he knew who that old man sawing wood was. "No, I did not ask his name." "Well," replied Stockton, "that is Governor Ide of the bear-flag party." "Can that be possible? Do you know him?" "Yes," said Stockton, "I know him well." The captain at once asked Ide to lay aside his work; invited him to his cabin, and proffered him not only his passage but the best fare and accommodation his ship afforded.<sup>1</sup> About a month after Ide's appointment,

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<sup>1</sup> *Life of Ide*, 76-78.



Jasper O'Farrell was appointed an additional surveyor for the same department, and Jacob R. Snyder surveyor for the middle department.<sup>1</sup>

There was much discussion and dispute in reference to land titles. It was claimed by some that the power of disposition previously vested in the Mexican governor devolved upon the American governor; but the better opinion was that there was no such power. The Mexican government could do nothing affecting titles, for it no longer existed in the territory; nor could the American government, for it merely held possession as a belligerent; and, even if the territory had belonged to the United States, there could have been no power, under the American system of government, to dispose of or in any manner affect land titles, until congress should have made provision therefor. In accordance with this view, Mason not only refrained from attempting to make any grants but insisted that titles and possessory rights should remain, as far as practicable, as they were on July 7, 1846, when the American flag was raised. A number of squatters had taken possession of the mission buildings of Santa Clara and San Jose; and one of his first orders was to compel them to vacate and turn the possession over to Father Jose Maria del Real, the Catholic priest in charge at the conquest.<sup>2</sup>

The next subject of interest was the authority and jurisdiction of the American alcaldes. In the absence of any positive law, these officers were in effect nearly supreme. As Colton, the alcalde of Monterey, had said of himself, there was not a judge in America or England whose power was so absolute; and he had added that it was entirely too much to be confided to any one man. Kearny, however, had to some extent assumed control over the alcaldes; and on several occasions had given direct orders as to the disposition of cases before them. In one instance he had ordered the alcalde of San Jose to dismiss a suit commenced to recover a wager on a horse-race; and in another instance had ordered the alcalde of Sonoma to quash certain proceedings, instituted before him by the Catholic church to recover a house in the possession of Victor Prudon. He had also exercised the power of dismissing alcaldes from office. He

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 320, 334, 377.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 317, 319, 321, 340, 341.

had thus removed John H. Nash, the alcalde of Sonoma. This Nash, in the organization of the bear-flag republic, as projected by Ide and his associates, was to be chief justice; and on various occasions he took that title; but, after the bear-flag gave way to the stars and stripes, he sank down to the office of alcalde. It is doubtful, however, whether his authority as chief justice would have equalled the powers he assumed as alcalde. They were in fact so excessive and roused such a ferment among portions of the American residents, that Kearny deemed it necessary to oust him; and he was obliged to submit.<sup>1</sup>

Nash at first undertook to resist. Kearny had appointed Lilburn W. Boggs, formerly governor of Missouri, who had recently arrived as an immigrant, alcalde in his place. But when Boggs came to demand the books and papers of the office, Nash refused to give them up. This refusal for a time threatened to create trouble, as the late "chief justice" had various friends among the bear-flag men, who considered an alcalde chosen by their own votes better entitled than one appointed by a United States officer. In this posture of affairs, Lieutenant William T. Sherman undertook to settle the difficulty by quietly but forcibly seizing the resisting alcalde and carrying him off. To accomplish his purpose, however, he considered it prudent to act with very great secrecy. Proceeding to San Francisco, where Commodore Biddle was then lying with his vessel, he obtained a boat and crew; and, taking with him Louis McLane, one of the officers of Biddle's ship, he proceeded to Sonoma.

To prevent the real purpose of the expedition from being known and any obstruction to its accomplishment being thrown in the way, it was given out, or at least allowed to be understood, that the object was of an entirely different character. This, on account of a sad occurrence of the previous year, was an easy matter. While Commodore Montgomery was lying with the Portsmouth at Yerba Buena, he had had occasion to send a boat and crew in command of his two sons to Sonoma. The little craft was seen to pass the narrows between San Francisco and San Pablo bays, but that was the last known of it. Not a trace of men or boat could afterwards be found. Some supposed the craft had sunk with all on board. Others

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 192, 193, 318.

thought the party had fallen victims to guerrillas or Indians. But the most common belief was—as Montgomery's sons had charge of considerable money, which they were conveying to Sonoma—that the crew had mutinied, murdered them, destroyed the boat, escaped into the interior and were still hiding somewhere among the northern mountains. Perhaps some new information in reference to this melancholy affair had been gained; it was at least not impossible that such was the case; and, taking all things into consideration, the general supposition, especially in view of the secrecy of the movement aided by suggestive hints dropped in proper quarters, was that the objective point of the expedition was not Sonoma, but some point beyond.

Sherman managed the arrest with consummate skill. Nash was at the house of an individual, said to be a lawyer, named Green. He was taken at night, much against Green's will; immediately marched off, and was well on his way to San Francisco before the Sonoma people knew much about it. He was taken to Biddle's ship and thence transferred to the Dale and sent to Monterey. After his arrest, Sherman explained very fully the real condition of affairs in California and the danger of resisting the United States authorities; and Nash, thus hearing considerations urged which had not occurred to him before, expressed a willingness to surrender his office. It was thought best, however, instead of accepting his promise at San Francisco, to send him on to Monterey, where he repeated it to Governor Mason, who had succeeded Kearny. He was then released and gave no further trouble.<sup>1</sup>

Mason recognized the practice and custom of the country for the *alcaldes* to sell lots within the limits of their towns; but at the same time he considered the titles acquired at such sales as unsound and as requiring confirmation by the United States government, when it should become the owner of the soil by treaty, to make them perfect. He distinctly held the *alcaldes* not to be authorities of the United States, but merely authorities of the military government of California and subject to removal by the military governor. At the same time, while the *alcaldes* were thus exercising very wide powers as civil officers and were

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<sup>1</sup> Sherman's Memoirs, I, 35-37.

authorized to call in the aid of the military if it should become necessary to enforce their decrees, the military laws and jurisdiction were not laid aside. California was still held as a conquered province; and atrocious crimes were to be tried and punished by courts-martial appointed in accordance with the rules and articles of war. The jurisdiction of the *alcaldes* in Mason's time may therefore be described as very extensive in civil cases though subject to revision by the governor, and very limited in criminal cases where parties connected with the army were concerned.

A somewhat amusing controversy, which called out Mason's views upon these subjects, arose at Santa Barbara in August, 1847, between Captain Francis J. Lippitt of Stevenson's regiment, then in command at that place, and Luis Carrillo, the *alcalde*. Some of the camp women connected with Lippitt's command claimed to have been insulted by two Mexicans, who were arrested and tried before the *alcalde*. On the trial all that could be proved against the men was asking for a kiss. The *alcalde* considered that the mere asking of camp women for a kiss was no insult. He therefore notified the military authorities that there was not sufficient testimony to warrant a conviction and that, if they had no further showing to make, the accused would be discharged. Lippitt thereupon, apparently imagining the case of sufficient importance for military interposition, forcibly seized the accused men; removed them from the jurisdiction of the *alcalde*, and ordered a court-martial, to try them. Mason, as soon as he was informed of the facts, directed Lippitt at once to discontinue his proceedings; restore the accused to their former custody, and notify the *alcalde* that he might resume their trial without further interference. At the same time Mason took occasion to observe, in reference to another case in which Lippitt had arrested a Californian for stealing a reata from one of the soldiers and had ordered a trial by court-martial, that the charge was too trifling to call for martial law and that he should therefore release the accused and let the soldier, if he wished, sue him before the *alcalde*.<sup>1</sup>

One of the *alcaldes* of those days, and among the most noted of them, was William Blackburn. He was a Virginian by birth;

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 321-354.

had come to the country in 1845; settled at Santa Cruz; went into the shingle-making business, and in 1847 was appointed by Mason to office. One of his cases was that of a boy charged with maliciously shearing off the mane and tail of a horse. The offense was fully proved; but Blackburn was perplexed what to do. He looked into such books as he had, but could discover no precedent. At length, with a very solemn air but a twinkle in his eye, he pronounced judgment: "I find no law in any of the statutes applicable to this case—except in the law of Moses, 'An eye for an eye and a tooth for a tooth.' Let the prisoner be taken out in front of this office and there be sheared close." And the sentence was then and there carried into literal effect, to the great amusement as well as satisfaction of the bystanders. Another of his cases, and one in which it became necessary for Mason to censure him, was that of Pedro Gomez, charged with the murder of his wife, Barbara. The trial, which took place on Saturday, August 14, 1847, was before a jury; the crime was entirely proved, and the result was a conviction the same day. Blackburn forthwith pronounced his sentence: "That the prisoner be conducted back to prison and kept there till Monday, August 16, and then to be taken out and shot." The next entry in the docket was, "August 17. Sentence carried into effect on the 16th, accordingly." It was the law and custom, in cases of this serious nature, for the alcalde to report his judgment to the governor for approval before execution; and Mason reprimanded him severely for his precipitancy; but Blackburn replied in substance that, as there was no doubt or question about Gomez' guilt, there was no use making a fuss about the case. A few days afterwards, the two infant female children of the murdered mother and executed father were brought into court; and Blackburn gave one to Jacinto Castro and the other to Alejandro Rodriguez "to raise until twenty-one years of age, unless sooner married;" and he was very careful to bind the guardians to give them a good education and each of the girls three cows and calves on marriage or coming of age.<sup>1</sup>

The alcaldes as civil magistrates also assumed the power of solemnizing marriages. This power, if allowed to pass unchallenged, would have seriously interfered with the exclusive

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<sup>1</sup> History of Monterey County, 1881, 43, 44.

jurisdiction in such cases claimed by the Catholic church. A marriage ceremony, in which one or both of the parties were Catholics, having been performed by the *alcalde* of San Jose, Father Real protested and complained to the governor. In reply, Mason wrote that, as he understood that the old Californian laws prohibited any but priests from uniting members of the Catholic church in marriage, he would direct the *alcalde* not to perform the ceremony in future if either party was a Catholic. And he accordingly transmitted orders to that effect.<sup>1</sup> A still more interesting exercise of the gubernatorial power in meeting the exigencies of the times was a letter written on July 15, 1847, by Mason to George Hyde, *alcalde* of San Francisco. In this paper the governor stated that San Francisco had already grown so large and was advancing so rapidly that it needed an efficient town government. He therefore directed the *alcalde* to call a town meeting for the election of six persons to form a municipal council and who, in conjunction with the *alcalde*, should constitute the town authorities until the year 1848. This council, over which the first *alcalde* or, in case of his absence, the second *alcalde* was to preside, was to pass municipal laws and secure for the town the government desired. Before this letter was sent off, however, Mason was called to the southern part of the territory and was absent nearly a month. On his return, learning that Hyde had already, on July 31, 1847, on his own authority selected an *ayuntamiento* or town council, he transmitted his letter but added that the council so selected might continue as it was or a new one be elected, as the people of San Francisco might desire.<sup>2</sup> The popular voice was for an elected instead of an appointed council; and accordingly Hyde gave notice of an election for the following September 13, on which day it afterwards took place.

Mason's absence from Monterey was occasioned by rumors of an apprehended popular outbreak at Santa Barbara. Captain Lippitt, notwithstanding his proclivity for courts-martial, seemed unable to restrain his soldiers; and their conduct became so disorderly that it was feared the people would rise and put a violent stop to their excesses. Mason immediately embarked

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 334, 335.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 378, 379.

for the threatened point and, by promptly apprehending and punishing such soldiers as had been the real authors of the mischief, soon succeeded in restoring peace and good order. The conduct of these soldiers compared very disadvantageously with that of the Mormon battalion, which had followed Kearny across the continent and during the past year had been stationed at and in the neighborhood of San Diego. Their term of service expired on July 16, 1847, a few days previous to which they were marched up to Los Angeles to be honorably discharged. Notwithstanding the prejudices felt against them on account of their religious professions, and notwithstanding Stevenson who was in command at Los Angeles imagined them to be engaged in a diabolical conspiracy to get military control of California—which notion he communicated in a private and confidential letter—Mason spoke of them in terms of high praise. He said that for patience, subordination and general good conduct they were an exemplary body of men. They had religiously respected the rights and feelings of the conquered Californians, and not one syllable of complaint had ever reached his ears of a single insult offered or outrage done by a Mormon volunteer. So high an opinion in fact did he entertain of the battalion in general and of their especial fitness for the duties of garrisoning the country, that he made strenuous efforts to engage their services for another year. But the great mass of them desired to meet their brother and sister saints on the shores of Great Salt Lake; and only one company would consent to remain in the service.<sup>1</sup>

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 335, 336, 347, 348.

## CHAPTER VI.

### MASON (CONTINUED).

THE growth of American law in California was comparatively rapid. It commenced from the very raising of the flag and in a short time developed into a system. Though the Spanish or Mexican civil law was supposed to be in force, the American settlers and especially the American alcaldes brought with them from the Atlantic side of the continent common law principles and common law forms, which either amalgamated with or supplanted the old customs and procedure. Walter Colton, the first American alcalde of Monterey, had hardly been in office a month before he impaneled the first jury ever summoned in the country. There was nothing like trial by jury known to the Mexican system; and there was no law authorizing anything of the kind; but it was a part of the heritage which the Americans brought with them from their old homes, and it developed in California as a custom sanctioned by general acceptance. It very soon became a part of the common practice of the country, well understood and tolerably well defined, though until the organization of the State there was no governmental decree or statute warranting it. Nor was it long before not only the American alcaldes and American settlers recognized jury trial as a right, but the Californians themselves were obliged to adopt it.

An instance illustrating the manner in which this result was brought about occurred in August, 1847. An Indian was tried at San Diego for murder according to the old Mexican method. The testimony was all taken down in written depositions and sent to Governor Mason, as if he had been a Mexican governor, for his decision. Mason, however, not only refused to entertain jurisdiction, but he wrote back that the accused had not in any sense had a legal trial. It did not appear that he had been pres-



ent at the taking of the depositions or afforded any opportunity of cross-examining the witnesses against him or producing witnesses in his own exculpation. A man charged with any crime was entitled to all these privileges before he could be found guilty and punished. He therefore ordered the cause to be sent back and directed the magistrate to summon a jury of twelve men and give the accused the right to four peremptory challenges and challenges for cause without restriction. He then went on and defined, in brief but intelligent terms, the principles of trial by jury and the law of homicide, thus adding the weight of his sanction to the unprescribed growth of common law methods.<sup>1</sup>

On December 29, 1847, Mason issued a general order directing trials by jury in all cases before the *alcaldes'* courts where the amount involved exceeded one hundred dollars. In the order he fixed the number of the jury at six.<sup>2</sup> This applied, however, only in civil cases. In all criminal prosecutions of a grave nature, trials were to be had before a jury of twelve; and the jury, if it convicted, was to award a sentence, whereupon the record was to be transmitted to the governor for approval.<sup>3</sup> All trials, except in cases of courts-martial, were to take place before the *alcaldes*. There were in fact no other regular courts except theirs in California for several years after the American occupation. In August, 1847, Mason had appointed Mariano G. Vallejo and John A. Sutter, then occupying the positions of Indian agents, a special court to try a man known as "Growling Smith" and several others at Sutter's fort for murder and kidnapping of Indians; but he afterwards had reason to believe the precedent of appointing such a special court a bad one; and in December he declared that he would not do it again, except in extraordinary cases. Such a case arose, as he supposed, in May, 1848, when he appointed a special commission of two judges to try a charge of murder against one Benjamin Foxon at Santa Inez. But in these special courts, as well as in the *alcaldes'* courts in general, he directed the calling of juries; and the mode of procedure, chalked out by him, was very much the same as the law now in force in the country.<sup>4</sup>

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XXII, 413, 414.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 452.

<sup>3</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 487, 488.

<sup>4</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 384, 439, 440, 505-507.

There was, however, one very great difference between the common law as administered then and as administered now. This difference consisted in the control or supervision claimed and on various occasions exercised by the governor over the alcalde courts and the alcaldes themselves. When Walter Colton supposed himself more powerful than any other judge in America or England, it was because the governor had not yet seen proper to assert his controlling authority. But in a few months afterwards, Kearny had occasion in various instances to interfere and sometimes nullify judgments by alcaldes; and Mason, during his administration, very frequently found it necessary either to prescribe in advance or by subsequent order to reverse or modify the action of the courts. It was in fact the governor, much more than the alcalde, who had unlimited power. Fortunately for the country, however, during all the period when the American immigrants were aggregating and their customs and usages crystallizing so to speak into definite principles and forms, the governors were men eminently fit both by practical business knowledge and especially by character and temper for the task of superintending and guiding their development. Kearny was such a man; and Mason was pre-eminently so.

While Mason was gentle and accommodating, disposed to listen to and recognize the claims of all sorts of people, he had a judicial mind, was clear in his reasonings and firm in his convictions. On one occasion, in November, 1847, Father Real of Santa Clara was sued before the alcalde of San Jose for a breach of contract. He pleaded that, as an ecclesiastic, he was not amenable to the profane judgment of a civil court. The question being referred to the governor, Mason replied that he did not know what peculiar privileges his reverence enjoyed; but it was very evident that, if he departed from his religious calling as a Catholic priest and entered into a secular bargain with a citizen, he placed himself upon the same footing with the citizen and should be required, like anybody else, to comply with his agreement. By this decision, unimportant as it might have appeared, he wiped out from Californian jurisprudence the abuse of clerical privileges, which had grown up as a part of the civil law.<sup>1</sup> In reference to land titles, he clearly understood that, in

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<sup>1</sup> *Ex. Doc. 1* *Ses. 31* *Con. H. R. No. XVII*, 435.

the existing condition of the country, they could not be quieted and that, until competent courts should be established, litigation concerning them, instead of accomplishing good, would only engender more litigation. He therefore, when asked to entertain jurisdiction in such cases, declined to do so and gave as his reason that it was worse than useless to agitate the subject.<sup>1</sup> In investigating conflicting claims to possession of portions of the quicksilver mines of New Almaden, he found that the old Mexican law of acquiring rights to mining ground by denouncement as it was called was entirely unsuited to the condition of the country, as it then was. He therefore met the difficulty, and at the same time applied the remedy on February 12, 1848, by abolishing all the laws and customs theretofore prevailing relative to denouncements, and left the legality of those, which had already taken place, to the future disposition of competent tribunals.<sup>2</sup> He imposed heavy penalties, both by fine and imprisonment, upon the selling or giving of intoxicating liquor to Indians.<sup>3</sup> Being informed that certain gambling dens and grog shops had been established at Santa Barbara, he wrote to Captain Lippitt to break them up, and gave point to the order by directing him to "do it at once and do it effectually."<sup>4</sup> Being informed on another occasion of a rumored attack on the prison of Monterey, he replied that such an attempt would afford him an excellent opportunity of making an example on the spot of some of the lawless characters who infested the country; and that he should always have a halter ready for the neck of any one who should in any way attempt to subvert the authority established in California by the United States.<sup>5</sup>

Mason, though a soldier, was always ready to protect the country and people against military tyranny. When for instance Colonel Stevenson, while in military command at Los Angeles, assumed the right of reviewing the decisions of the alcaldes of the district and undertook to order a sentence by one of them not to be carried into execution, Mason directed him to recall his instructions; allow the law to take its course,

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 440.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 476, 477.

<sup>3</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 432.

<sup>4</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 482.

<sup>5</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 492.

and refrain from further interference.<sup>1</sup> An instance has already been noticed in which he restrained Captain Lippitt of Santa Barbara from interfering with the alcalde of that place. Another instance of still more violent interference occurred a few months later at the same place and by the same officer. A controversy having arisen between two citizens about the ownership of a saddle, which was deposited with the alcalde to await his decision, Lippitt demanded possession of it until proof should be furnished that no officer or soldier had any claim to it. The alcalde replied that he would consider the matter; but Lippitt, without waiting for him to do so, immediately sent a file of soldiers with peremptory orders, if the saddle was not at once given up, to arrest the alcalde and throw him into the guard-house. The alcalde, thus threatened, gave up the saddle and at the same time resigned and turned over his staff of office. Mason, as soon as he was informed of the circumstances, pronounced Lippitt's proceedings hasty and offensive and ordered him to restore to the alcalde his staff of office; send back the saddle, and meddle no further with the course of justice.<sup>2</sup>

A still more positive exhibition of Mason's determination to prevent military tyranny was afforded in the case of Captain Henry M. Naglee. In March, 1848, Naglee, while in service in Lower California, took several prisoners. Two of them, who doubtless deserved their fate, he almost immediately afterwards ordered to be shot without giving them a hearing; and his order was carried into execution. Mason, as soon as he heard of the summary proceeding, disavowed the act on the part of the government of the United States, as not sanctioned by the laws of war and at variance with the humane principles that governed the United States army, and ordered Naglee's arrest. As it happened, however, that peace occurred and the New York regiment to which Naglee belonged was mustered out of service before any trial could be had, nothing further was done in relation to the matter. What Naglee's defense might have been is uncertain. He might and probably would have shown that he took the villains in the act of committing arson and murder, and that he was a better judge on the ground of what

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 563.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 575.

measures of severity were necessary than a governor a thousand miles away. However this may have been, there can be no doubt that Mason was sincere in regarding the act as a stain upon the fair fame of the army; that so believing he did not hesitate to characterize it as such, and that he would have had it investigated to the bottom, if he had had the opportunity.<sup>1</sup>

As further illustrations of his administration, his action in two peculiar cases may be mentioned. On May 18, 1848, a citizen of San Francisco named William A. Leidesdorff died intestate, leaving a large and valuable property. Mason at once wrote to Thomas O. Larkin and suggested that, as his commission as United States consul had never been revoked, he should as such officer take charge of the estate. But afterwards, when it appeared that Leidesdorff was not a citizen of the United States, he directed the alcalde to proceed according to the laws and customs generally followed in the country.<sup>2</sup> In July, 1848, a brass cannon belonging to the United States was stolen and concealed at the sea beach in front of Santa Barbara. It seemed impossible to ascertain the perpetrators of the theft; but at the same time it would not do to allow the offense to go unnoticed. Mason therefore levied a military contribution of five hundred dollars upon the town to pay for the lost cannon, thereby making the municipality responsible. Afterwards, on suggestion that the offense was not committed by citizens of Santa Barbara, he ordered the money collected to be held on deposit and paid back, provided the guilty parties were made known or proof offered that they were not residents of the town.<sup>3</sup> But whoever the parties may have been, they were never exposed; and it was not until ten years afterwards that the cannon was discovered buried in the sand near the place where it had been stolen. In the meanwhile, when the news of peace arrived, Mason ordered the money to be turned over to the first alcalde and held by him as a municipal fund for the purchase or erection of a prison.<sup>4</sup> Subsequently, when the town grew into a small city, one of its streets in commemoration of this military fine was named "Cañon Perdido—Lost Cannon street," and another

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 512, 513, 523.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 554, 559.

<sup>3</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 573.

<sup>4</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 591.

"Quinientos—Five Hundred street." Nor was this the only impression the fine and Mason's dedication of it to municipal purposes made upon the imaginations of the people; for, in still further commemoration of what had taken place, when they came to choose a city seal, they adopted the design of a cannon, encircled with the Spanish words, "Vale Quinientos Pesos—It is worth five hundred dollars."<sup>1</sup>

The gentle and conciliatory but at the same time firm and positive conduct pursued by Mason in his administration scarcely left room for any difficulty with, or dissatisfaction on the part of, the Californians. He plainly recognized the fact, when he entered upon the duties of his office, that, though the country was quiet, the people in general disliked the change of flags, and that, whatever might have been said or written to the contrary, they were ready to rise at any time, if furnished with a proper leader and rallying point.<sup>2</sup> A man of rash or violent temper might easily have caused trouble; but, as has been seen, there was nothing in Mason's disposition or character to stir up ill will. He was the right kind of a man in the right place. It is, however, not improbable that he was materially aided in accomplishing his work by Lieutenant Henry W. Halleck of the topographical engineers, whom he had, on August 13, 1847, appointed secretary of the territory.<sup>3</sup> Upon Halleck devolved much of the labor of deciding questions of public law, which he had made a special study. It was also Mason's good fortune, while thus aided in civil affairs by Halleck, to have in military affairs another able assistant in the person of Lieutenant William T. Sherman, then of the third United States artillery. But while it is likely that both these men, who afterwards rose to the highest military rank in the United States, benefited Mason, it is fair to presume that they were benefited in return, and that the teaching and example of their superior had a very considerable influence upon their own subsequent brilliant careers.

Whether he was right or wrong in his supposition that the Californians might rise again if an opportunity should present itself, he was careful that no such opportunity should be afforded

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 573; Huse's Sketch of Santa Barbara, 11, 12.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 314.

<sup>3</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 377.

them. Besides avoiding giving them any cause for creating disturbance, he took means to keep suspicious characters under watch and control. In December, 1847, he issued a proclamation prohibiting any citizen of Sonora from entering California, except coming upon official business and then only under a flag of truce, and requiring all Sonorians in the country to report themselves either at Los Angeles or Monterey.<sup>1</sup> This very effectually put a stop to any nucleus of revolution arising from that quarter. In February, 1848, on a rumor that Jose Castro the former comandante-general of California, who had returned from Mexico on a passport granted him by Mason in June, 1847, contemplated a revolution, Mason wrote to that retired warrior, frankly stating the rumor, expressing confidence in his honor and requesting a visit at his earliest convenience for the purpose of allaying the suspicion and excitement existing in the public mind. Castro immediately responded by the desired visit to Monterey and justified the confidence reposed in him.<sup>2</sup> In July, 1848, Pio Pico the former Mexican governor, who had remained away after his escape in 1846, returned to his home in Los Angeles. Stevenson immediately wrote to Mason that Pico had entered the country without reporting himself; that he still claimed to be governor of California; that it had been necessary to threaten him with arrest to compel him to report, and that he had finally presented himself and disavowed any intention of attempting to resume gubernatorial functions or creating any disturbance. Mason wrote back that Pico should be required to give his written parole of honor not to take any part whatever in the war; otherwise he should be held as a prisoner of war; but under any circumstances he should be treated with all the respect due to his rank and character. Pico about the same time addressed a letter to Mason stating that, as Mexican governor of California, he had come back to the country with the object of carrying out the armistice which had been agreed upon between the United States and Mexico. He desired that no impediment should be placed in the way of the establishment of peace and constitutional order; he wished Mexicans and Americans to meet and regard each other in a spirit of fraternity; and, in

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 450.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 323, 472, 474.

accordance with these feelings, he was in good faith disposed to co-operate in surmounting any difficulties which might arise in accomplishing the objects indicated.

It is not at all likely that Pico really meant anything by calling himself Mexican governor of California. But the use of such an expression and the assumption of a tone indicating that he considered himself a power in the land were unfortunate. The state of the public mind was necessarily more or less excited. Though there were rumors of peace, there was as yet no reliable information on the subject; and down to the very last moment Mason thought from all he could learn that there was no prospect of peace. Under the circumstances he regarded Pico's presence in the country with such absurd pretensions dangerous and liable to lead to seditious acts; and he therefore immediately dispatched a special courier to Los Angeles with orders to Stevenson to arrest the ex-governor and send him by sea to Monterey. His intention was, as he wrote to Washington, to ship Pico to Oregon or some foreign country, so as to prevent the possibility of any disturbance from him.<sup>1</sup>

On August 6, while Mason's orders for the arrest of Pico were on the way to Los Angeles, news of the ratification of the treaty of Guadalupe Hidalgo arrived. This at once changed the entire aspect of affairs in the country. The war was finished and over; and California was now irrevocably a part of the United States. The government was no longer the mere military government of a belligerent in possession; but the government of a sovereignty over its own territory. Mason at once sent off word to Stevenson to restore Pico to liberty, and prepared to relax the rigor of the military rule. On August 7, he issued a proclamation announcing the treaty. At the same time he gave notice that all residents of California, who wished to become citizens of the United States, were absolved from all further allegiance to Mexico; while those, who desired to retain the character of Mexican citizens, would be at liberty to do so, provided they made their election to that effect within one year from May 30, 1848. He also reminded the people that, as the country now belonged to the United States, strict obedience was due to the American authorities; and he had no doubt that a regularly

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 572, 598-602, 625, 631, 632, 635.



organized territorial government would in a very short time be provided, which would establish everything necessary and conducive to the public welfare. He believed that from the new order of things a new destiny would result to California. Instead of continued revolutions and insurrections, internal tranquillity would prevail; instead of a fickle and vacillating policy, a firm and stable government. The arts and sciences would flourish and the labor of the agriculturist, guided by the light of learning, would stimulate the earth to the most bountiful production. The poisoned fountains of domestic faction would be dried up; commerce, freed from absurd restrictions, would be extended; the choked channels of trade would be opened, and Americans and Californians, now one and the same people, subject to the same laws and enjoying the same rights and privileges, would emulate each other in developing the wealth and resources and securing the peace, happiness and permanent prosperity of their common country.<sup>1</sup>

The war being thus definitely closed, orders were dispatched for discharging and mustering out of service all the volunteer forces. These consisted at that time only of companies belonging to Stevenson's New York regiment. The last company of the Mormon battalion that remained in the service had already been discharged in April.<sup>2</sup> By special agreement, made at the time of their enlistment, the Mormons, when discharged, were allowed to retain their arms. The New York companies asked to be allowed the same privilege; but, as there had been no stipulation of the kind at their enlistment, their request could not be granted. They were discharged as they were, at an unexpected moment and in many cases without having made any preparations for such an event. The various companies and detachments, which were scattered from Sonoma on the north to Cape San Lucas on the south, were collected at different points and mustered out. Before the end of October, they were all absorbed into the general mass of the Californian people and constituted a large part of what was afterwards known as the earliest rank of pioneer citizens. Mason took occasion on their final discharge to speak of them in high terms and particularly

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 590, 591.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 463.

to compliment Stevenson for his energy, tact, firmness and general good management.<sup>1</sup>

But it happened, when this comparatively large body of men were thus discharged from military service, that they found work enough to do and magnificent returns for labor and industry. The discovery of gold in the foot-hills of the Sierra Nevada east of Sutter's fort had opened up a vast opportunity for enterprise; and nearly everybody in the country was drifting off to the mines. Mason himself had visited and found them of almost fabulous richness; and, as further and further developments were made and larger and larger quantities of the precious metal unearthed, the occupation of gold-digging, for which every man of physical strength was fit, offered a field for every one who was willing to work. Whether willing to work or not, a sight of the gold placers was now the first object of desire; so that, though there were inconveniences in being unexpectedly mustered out of the service, it was a fortunate release for most of the men, who willingly exchanged the sword and musket of the soldier for the pick and shovel of the treasure-seeker. Even before the final discharge so many desertions had occurred that in July Mason was compelled to issue a proclamation to the effect that the coast and the families living there were left inadequately protected; that, for the purpose of keeping up the forces necessary for the security of the country, he should send a dragoon force through the mining districts to arrest deserters, and that, unless citizens were willing to aid and assist him in his purposes, he should be obliged to take military possession of the mines as property of the United States. It was desirable, he said, to develop the riches and wealth of California, but it was first necessary at all hazards to secure its military safety.<sup>2</sup>

The news of the peace, which came a few days after the issue of this proclamation, rendered it unnecessary to pursue the stringent measures indicated. But the result was that the coast regions were left exposed to all kinds of lawlessness. While it was impossible to prevent desertions and discipline became necessarily more or less relaxed, the government found itself unable to keep up even police regulations. Robberies, assaults, mur-

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. II. R. No. XVII, 649-651.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 580, 581.

ders and outrages of all kinds became frequent. This disorderly and anarchic state of affairs, without the power of remedying it, disgusted the orderly mind of Mason; and in November, 1848, he asked for his recall. He said he had been in the service over thirty years and had never but once before asked to be relieved from a duty to which he had been assigned; and on that occasion, which was in 1832, he had asked to be changed from the recruiting office to active service in the field of the Black Hawk war.<sup>1</sup>

It required some time for Mason's request to reach Washington and for an answer to come back. In the meanwhile several horrible murders occurred. In one instance the occupants of San Miguel mission, men, women and children, ten persons in all, were butchered; and there was no doubt the crime was committed by white men. In another case a bloody assault for the purposes of robbery was made upon two men at San Jose. Rumors of other atrocious crimes at other points were rife. Strictly speaking there were no competent courts in the country and no legal power to impose or execute a death sentence; but it was plain that the protection of life and property required something to be done. The better classes of the citizens were not wanting in the emergency. As there was no other law, they resolved to recognize the law of self-defense; and, as there was no other force to execute it, they determined to execute it for themselves. Thus arose the practice, which became prevalent in California during the early days of the mining excitement, of seizing thieves, robbers, homicides and other criminals; calling a jury from the bystanders; subjecting them to a summary trial, and, if pronounced guilty, executing them on the spot. It was what was known at first as lynch-law and afterwards as vigilance committee law. Under ordinary circumstances nothing would have been more distasteful to Mason than this species of lawless justice; but, in the condition of affairs as they were, he refused to interfere or stay the course of the popular vengeance that alone held lawlessness in some sort of check. When the people of San Jose seized, summarily tried, convicted and hung two of the villains, who had committed the outrages at that place, he did not disapprove the course they had pur-

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 649.

sued; but confined his efforts to restraining the people only in so far as to insure to every man charged with a capital crime an open and fair trial. On hearing that the murderers of San Miguel had been found, he sent word to the alcalde that if the evidence against them were clear and positive and a jury should impose a death sentence, he might cause it to be executed without referring the case to him. Such a course, he said, was absolutely necessary for public protection.<sup>1</sup>

It is doubtful whether any other community, placed in so anomalous a condition as the people of California were after the discovery of gold and the final close of the war, with so many lawless elements forming integral parts of its composition, could have passed through such an anarchic stage in better order or with more success. There can be no doubt, however, that much of this success was due to Mason himself and his judicious management. The secret lay in the fact that he refused to be hampered by technicalities; looked at things as they were; and was always ready to apply the rules of common sense to the shifting and varying circumstances that presented themselves. He frankly admitted that there was no civil government and no civil officers duly and properly appointed; and yet from the very necessity of the case he exercised a strict supervisory control. In a remarkable letter, written on August 19, 1848, referring to the position in which he was placed, he said he had no right or authority whatsoever to exercise the control he did; and yet he was compelled to do so and would be compelled to do so until a civil governor should arrive, armed with laws and instructions to guide his footsteps.<sup>2</sup>

Among the many other instances, besides those already mentioned, in which Mason was thus called upon to act and acted promptly and effectually, was the appointment of Indian agents to look after, care for and in as far as possible alleviate the condition of the aborigines; the regulation of interest, which he fixed at twelve per cent. per annum or such other rate as might be agreed upon in writing by the contracting parties;<sup>3</sup> the appointment of notaries public, and the appointment of collectors of

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 652, 653, 691.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 597.

<sup>3</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 581.

customs. In the absence of any law upon the subject, but with a view of protecting as best he could the revenue of the United States, he ordered the imposition of duties upon the importation of foreign goods in accordance with the tariff of 1846.<sup>1</sup> But in all these acts of his civil administration he invariably exercised his control with such gentle strength and such judicious temperance that he was always upheld and supported by an enlightened public opinion. He was placed in a position of much greater delicacy, difficulty and responsibility than would to a mere casual observer appear. But he went through with the task so smoothly and quietly that no one hitherto has seemed fully to appreciate his able conduct or fully to recognize the mighty debt of gratitude California owes to his administration.

The discovery of gold and the confirmation of the repeated reports of the uncounted mineral wealth of the country attracted the attention of the world to it. The result was an excitement and immigration unparalleled in history. California at once became of the utmost importance. Under the circumstances, the cabinet at Washington deemed it proper to send out two generals and various instructions in reference to the government *de facto*, as it was called, of the new acquisition. In October, 1848, Brigadier-general Bennet Riley was directed to relieve Colonel Mason as governor of California;<sup>2</sup> and in November Brigadier-general Persifer F. Smith was appointed to the command of the United States army on the Pacific, with directions to establish his head-quarters in California or Oregon as the exigencies of the public service might require.<sup>3</sup> Smith arrived at Monterey on February 23, 1849, and shortly afterwards proceeded to San Francisco for the purpose of communicating with Commodore Thomas Ap C. Jones, who had succeeded Shubrick and was thus for the second time in command of the United States naval forces in the Pacific. Riley arrived at Monterey on April 12, 1849; and on the next day he entered upon the duties of his office as governor.<sup>4</sup> Mason, being thus relieved, as he wished to be after his two arduous years of service, withdrew and returned to the East.

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 598.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 260, 261.

<sup>3</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 265.

<sup>4</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 748, 873.

In person Mason was tall, with light hair, features which some called coarse, and manners which some called rough and unpolished. Ryan, an English portrait painter, who enlisted as a dragoon in Tompkins' company and afterwards wrote a book of his personal adventures in California, one of those who called his features coarse and his manners rough, also charged him with being contracted in his views, despotic in his bearing, and looking upon the courtesies and amenities of life as incompatible with the character of a soldier. It is more than possible that, with such a person as Ryan, he was crisp and curt. He was doubtless impatient of meddlers and coxcombs. The history of his administration in California is a sufficient answer to any aspersions against either his head or his heart. Even Ryan himself had to admit that he had many good qualities and was characterized by great love of order and justice.<sup>1</sup> He left California on the steamer of May 1, 1849; proceeded to Washington and thence to his home in St. Louis, where he died in the course of the summer, a victim of the cholera, aged sixty-one years.<sup>2</sup>

The stream of overland immigration by prospective settlers, which had commenced some years before and grew into a tide in 1845 and 1846, rather slackened than increased during the years 1847 and 1848. Nearly all the immigrants previous to 1849 were adventurers from the Western States, who were acquainted with frontier life and came out, accompanied by their families, with the intention of establishing permanent homes on the Pacific coast. The majority of the earliest of them had started with their eyes upon Oregon, but were diverted to California by accounts heard on their way of its superior advantages as a place of residence. As a general rule these adventurers, though otherwise poor people, were well provided with wagons, cattle and provisions. They usually traveled in companies, consisting of a number of families together, large enough to afford mutual protection against Indian attacks but not too large to find pasturage for their live stock along the road. The route mostly chosen lay from some point of rendezvous on the Missouri river, such as Council Bluffs, by the way of Fort Hall, near which those bound for Oregon would turn off northwestwardly, and

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<sup>1</sup> Ryan's *California*, I, 283.

<sup>2</sup> Sherman's *Memoirs*, I, 45, 65.

those bound for California southwestwardly to one or other of the passes across the Sierra Nevada and thence to Sutter's fort in the Sacramento valley.

This journey ordinarily required about five months. Those who started in the spring and met with no extraordinary delays or detentions got through successfully. Sometimes cattle would give out or wagons break down; but, if stopped on this account, it usually took but a few days for a new company to come up and afford help and assistance. All being bound in the same direction and with similar objects, which did not conflict but recognized advantages in association and increased numbers, fraternity and good will prevailed; and a disposition to lend a helping hand, without reference to remuneration, became general. Thus, even in case of serious losses on the journey, the parties who started and got well under way before summer found as a general rule all the help that was requisite and succeeded in reaching their destination in ample time.

The object of first importance to those who were bound for California, was to reach and cross the Sierra Nevada before the snows fell and blocked up the passes. This was usually accomplished in the early autumn; but in some cases the travelers were belated and suffered more or less in surmounting the final obstacle that separated them from the green fields and sunny skies of the promised land. The most dreadful and tragic of these sad experiences happened in the winter of 1846-47, or in what may be called the early immigration, and befell a company which had organized in Illinois and was known as the Donner party. This company consisted of about eighty persons, nearly equally divided between males and females and including a number of children. They had started early enough, but had lost over a month's time by taking a new road around the south, instead of the usually traveled one around the north end of Salt Lake, and had nearly exhausted their provisions. For these reasons it was not until October 31, 1846, after the snow commenced falling, that they reached the eastern foot of the Sierra Nevada; and for these reasons also it became necessary for them notwithstanding the lateness of the season, to attempt to cross the mountains and get over where they could obtain supplies and relief.

The point at which they had arrived was where the Truckee river debouches into the plain. They followed up the course of the river; but, upon getting near the summit, found themselves unable to proceed. The snows fell as they advanced and buried their cattle. Hemmed in on every side, they were obliged to build cabins as best they could, and endeavor to pass the winter where they were. But in a few weeks starvation stared them in the face. A small party of the strongest, some fifteen in number, undertook to make their way to Sutter's fort in search of succor. It was a dreadful journey in the midst of the mountains through the snow. The distance was ninety miles in a direct line and much longer by the road that had to be taken; and they could make only a few miles a day. In the course of a week several of the party died and soon afterwards several more. The survivors were compelled to strip the flesh from the bones of the dead to support their own existence. At length, after unspeakable suffering, when only four or five were left, one of them managed to push ahead, reach William Johnson's ranch on Bear river—the frontier settlement on the western slope—and tell his terrible tale. He was of course instantly relieved, and his fellow sufferers brought in and cared for.

The news of the suffering upon the summit spread rapidly down to Sutter's fort and thence to San Francisco. Captain Sutter of the former place, with the most commendable promptness and generosity, immediately, at his own expense, fitted out an expedition of men and mules laden with provisions and sent them off in search of the snow-bound mountain camp. At San Francisco a public meeting was called—the first of a long series held there in the interests of humanity; a fund of fifteen hundred dollars was forthwith raised, and several other relief parties sent out. By this time it was about the middle of February; and the lost immigrants had been cooped up in their camp or series of camps for nearly three months. They were reduced to the last extremity. For more than a month those, who refused to eat human flesh, had fed only on ox-hides. A number were dead and most of the others so much reduced as to be unable to travel. No tongue can adequately depict what they suffered.

The first of the relief parties reached the spot near Donner Lake, afterwards known as "Starvation Camp," on February 19,



1847, and found the sufferers in the condition above described. It afforded what succor it could in the way of provisions and started back, carrying several of the children strapped on men's backs, and accompanied by such of the immigrants as could best travel. A second relief party reached the scene about March 1 and started back with another body of the immigrants. This party had not proceeded far, however, before it was overtaken by a new storm and compelled to leave the sufferers on the road, while it sought further help. By the time the help came, three more were dead and the survivors feeding on their flesh. But the most horrible part of the sad story yet remained to be enacted. When the second relief party left the camp, Donner, the leader of the immigrants, was unable to accompany it and his wife, though strong enough to travel, refused to leave him. It was thereupon arranged that they should remain where they were until later in the spring; and a man named Keysburg, remained with them. In April, as soon as the snows had partly melted and the winter was substantially over, a third relief party went out to bring them in. It found Keysburg the only one alive. The dead body of Donner was lying carefully laid out, evidently by the hand of his wife; but she was nowhere to be found. Keysburg was squatting on the floor of his cabin in front of the fire-place, smoking a pipe. His beard and uncombed hair had grown to great length and his uncut finger nails resembled claws. He was ragged to indecency, filthy and ferocious looking, like a wild beast. There was a fire on the hearth and on it a camp-kettle, which on investigation was found to be filled with human flesh. On further examination a bucket was discovered partly filled with blood and pieces of human flesh packed away as if for future use.

It was at once surmised, and with too much probability, that Keysburg had murdered the brave woman. When charged with the crime, he denied it. But upon being taken out, a rope placed about his neck and threatened with instant hanging, he confessed that he had robbed her and revealed the place where he had concealed a portion of the money he had taken. The discovery of parts of different bodies salted down led to the belief that he had committed several murders for the purpose of providing stores of human flesh. It was even reported that he

had on one occasion taken a child four years old to bed with him and devoured it entirely before morning. He was therefore looked upon by those, who had not gone through or sufficiently considered his fearful experience, as a sort of vampire or ghoul. They would have killed him on the spot; but the very horror of the ghastly scene forbade. He was spared, but avoided. Years afterwards he lived with a couple of idiotic children at Brighton in Sacramento county; and the dreadful kind of an existence he led may be imagined from his own account of it: "Wherever I have gone people have cried, 'Stone him! stone him!' The little children in the street have mocked me and thrown stones at me as I passed. Only a man conscious of his own innocence would not have succumbed to the terrible things which have been said of me—would not have committed suicide. Mortification, disgrace, disaster and unheard-of misfortune have followed and overwhelmed me."<sup>1</sup>

Of the eighty persons, who composed the original company, thirty-six perished. Of those rescued, several were children and among them two of the Donner family. In June, 1847, when General Kearny and his party crossed the Sierra on their way eastward overland, they stopped for a short time at the deserted camp. The snow had then mostly disappeared and left a number of mutilated bodies exposed. These, by order of the general, were collected and buried. And still further to obliterate, as far as possible, the terrible record, the cabins and all the relics that could be discovered of the sufferers were gathered together and burned.

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<sup>1</sup> Munro-Fraser's Sonoma County, 55.

## CHAPTER VII.

### THE GOLD DISCOVERY.

THE gold discovery, which by attracting the attention of the world to California made its name familiar among all civilized people and induced the greatest rush known in the history of the globe, took place on January 19, 1848. It was just two weeks before the signing of the articles of peace; but, as it took some time to realize the value and confirm the reality of the discovery, it may be said in general terms to have been contemporaneous with the treaty of Guadalupe Hidalgo and the tradition of California from Mexico to the United States.

John A. Sutter, the enterprising Swiss, who had settled New Helvetia and in various ways played an important part in the affairs of the country ever since his arrival in 1839, was a man of many projects. After the American occupation, to which he was friendly, he had not added anything to his fort; but he had begun to spread in other directions. His establishment at that time, with the exception of an adobe building to the east of the fort, called the hospital, consisted of the fort alone. It was an inclosure of an acre or so, rectangular in form, surrounded by an adobe wall about twenty feet high. At two of the corners, diagonally opposite each other, were two-story block-houses. Inside the inclosure there was a large building, with a shingle roof, used as a store-house; and all around the walls on the inside were ranged houses or rooms which were used for residence purposes and as shops for blacksmiths, carpenters and other workmen. In some of the apartments Indian women made coarse blankets, and in others Indian men attended to other indoor work. The entrance to the whole was by a large gate, open by day and closed at night, with two iron ship's-guns near at hand. There Sutter lived, monarch of all he surveyed,

with power under the Mexican rule, which he did not fail to exert, to inflict punishment even unto death.

After the advent in large numbers of American settlers, and in view of the market which he saw they would afford, he conceived, among other projects, that of building a saw-mill at some point in the foot-hills of the Sierra Nevada, which would furnish pine timber and water-power and at the same time be easily accessible from his settlement and other places down the Sacramento river and the bay as far as San Francisco, where lumber was in great demand. He contemplated putting up a grist-mill near his fort and making various building improvements; and therefore the discovery of a spot, such as he wanted, was a matter of great importance for the furtherance of his manifold plans. With this end in view, he sent out parties at various times up the different streams towards the mountains. The upper Sacramento was thus explored. In June, 1846, John Bidwell was employed in examining the Feather river with the same object, but was drawn off by the advent of Fremont on his return from the Oregon line and the breaking out of hostilities, which for the time put a stop to private enterprises. In the summer of 1847, when affairs in the territory had settled down into something like normal condition, the search for a saw-mill site was renewed; and this time with success.

Among the immigrants, who had drifted out into the new country, was a man named James W. Marshall from New Jersey. He was of a somewhat roving disposition, not calculated to make or at least to save money, without education, but ingenious, handy with tools and possessing various kinds of knowledge picked up from different quarters. Besides being a carpenter, he was also a millwright; and, having nothing else to do at the time, he proposed to Sutter, if the latter would furnish him an outfit, to hunt out a site and put up a mill to be run in partnership. Sutter, after some hesitation, consented; and Marshall set off on his search. In about a month he returned with information that he had found a suitable spot on the south fork of the American river at the place now known as Coloma, about thirty-five miles in a direct line and some fifty by the road or trail northeast of Sacramento. Articles of agreement were thereupon drawn up, by the terms of which Sutter was to fur-

nish men and means, Marshall to build and run the mill, and the lumber sawed or its product to be shared. Though late in the autumn no time was lost. Men were employed and ox-teams, carts and pack-animals engaged to carry machinery, tools and provisions.<sup>1</sup>

It took some time for the little colony to establish itself in inhabitable quarters; but, as soon as it had done so, the work of building the mill progressed. The structure was up by the middle of January, 1848. But when it was about ready to run, it was found that the ditch or race, which was to lead the water from the wheel, was not deep enough. Marshall conceived the idea of scouring it out with a swift current and opened the flood gates to their fullest capacity. The water was allowed to run all night. In the morning Marshall shut his gates and went down to examine the race. He was alone at the time. The current had dug out the sides and bottom and carried down and spread out at the end of the ditch a great mass of gravel and sand. While looking at it he observed several shining particles lying in about six inches of water and reflecting a brilliant yellow light. He picked up one and examined it attentively. He knew of but two minerals that were like it: one was sulphuret of iron, which was bright and brittle, and the other gold, which was bright, heavy and malleable. The specimen he held was bright and heavy. He tried it between two stones and found that he could hammer it into different shapes without breaking it. He immediately picked up several specimens and, returning to the mill, called out to William Scott, one of the carpenters who were at work on the wheel, "I have found it!" "What is it?" asked Scott. "Gold!" said Marshall. "Oh no," replied Scott, "that cannot be." Marshall held out his specimens and rejoined, "I know it to be nothing else."<sup>2</sup>

It did not take long for every one connected with the mill to hear of the discovery and obtain specimens of the metal. But, though Marshall was convinced that it was gold, there was much doubt in the minds of the others. A few days afterwards Marshall went down to New Helvetia and carried two or three ounces of the metal with him. Upon meeting Sutter, he said he had important news to communicate and asked to be taken

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<sup>1</sup> Bidwell's MS. in archives of Society of California Pioneers.

<sup>2</sup> Marshall's Statement in "Hutchings' California Magazine," II, 200, 201.

to a place of privacy. Then he took a rag package from his pocket and, undoing it, showed a number of small yellow lumps, which he said he found in the mill-race and he was satisfied were gold, though the others at the mill had laughed at him and called him crazy. Sutter tried the metal with aqua-fortis, which he found among his apothecary stores; he then took down the *Encyclopedia Americana* and read its article on gold; he also weighed the metal and compared it with silver dollars, and the result was—the same as Marshall had arrived at—that the substance was gold and nothing else. Upon this Marshall became much excited and wanted to start back and have Sutter go with him immediately, though it was late in the afternoon and raining hard at the time. Sutter declined and asked Marshall to wait until morning when he would accompany him. But this Marshall refused to do; and, on Sutter's promise to follow the next day, he posted off through the rain, without waiting for a bite to eat.

The next morning early, Sutter, with an Indian soldier and vaquero, started for Coloma. It was still raining. When about half way, he saw a man crawling out of the brushwood at the side of the trail some distance ahead, and, on getting nearer, found it to be Marshall, who had reached Coloma, taken a fresh horse and come thus far back to meet his partner. He had evidently not slept; and the excitement of his discovery was still strong upon him. The two then rode on to the mill and late in the afternoon, upon the weather clearing up, took a prospecting walk to the foot of the tail-race. That night the water was turned on again; and the next day a further examination was made and Sutter picked up several specimens, which with other pieces handed him by others he afterwards had made into a massive ring, on the inside of which was inscribed "The first gold, discovered in January, 1848." After looking around for a couple of days, he returned to New Helvetia; but before departing from the mill he begged and exacted a promise from all hands that they would keep the discovery a secret for six weeks. He had already commenced to build a large mill at Brighton near his fort, in which he had invested much money; and he said that, if the discovery became public before his mill was finished, the workmen would leave and he would be entirely ruined.

It was impossible to keep the secret. Among those at the mill were P. L. Wimmer, wife and family. Mrs. Wimmer did the cooking. She told the story to a teamster, who had come up with a load of provisions from the fort. He carried a few specimens back and offered them at a store kept by Brannan & Smith in one of the out-houses of the fort in payment for a bottle of brandy. Smith was disposed to feel insulted at the offer; but the teamster said they were gold and he might ask Sutter if it were not so. Smith rushed over to Sutter; and Sutter could do nothing else, as he afterwards wrote, but confess the truth and tell all about the discovery. Smith reported at once to Brannan. Brannan immediately started for Coloma; looked around; returned; leased a larger store, and sent for greatly increased supplies of goods. The secret was out, and it soon spread. Every one that heard it prepared to go up and hunt for gold. In a few days Sutter's employees all left him. His unfinished mill remained as it was. His tannery was deserted and a large quantity of leather left to rot in the vats. He had piles of raw hides, hitherto the most valuable product of the country; but they had all at once become valueless. They could not be tanned, nor could they be sold: no one wanted to be bothered with such trash, as they were now called. And so of other mechanical trades: they all stopped and all the work that was only partially completed was abandoned. Every one rushed for the gold-field; and Sutter himself was finally seized with the excitement and started for the mines with a number of wagons laden with provisions, a hundred Indians and fifty Sandwich Island Kanakas.<sup>1</sup>

In the latter part of February, Charles Bennett, one of the carpenters employed by Sutter and Marshall, carried some of the gold to San Francisco. He showed it to Isaac Humphrey, who had been a gold-miner in Georgia. From the size and character of the specimens exhibited, Humphrey pronounced the mines much richer than the gold-fields of Georgia. But there was still much incredulity. Very few at first felt like investing in a trip to Coloma. Humphrey, however, accompanied Bennett on his return; and upon arriving at the spot, after prospecting for a short time with a pan and satisfying himself of the richness

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<sup>1</sup> Sutter's Statement in *Hutchings' Magazine*, II, 194-198.

of the deposits, built a rocker and went into the business of washing gold with great success. Others, observing how he worked, imitated his example and with equal success. Further investigations showed that the mines were not confined to one locality; but that the whole region was richly auriferous. Meanwhile the news spread and belief grew. On March 25 the California Star newspaper stated that gold-dust had become an article of traffic at Sutter's fort. This fact made the matter, for a live newspaper, worth investigating; and E. C. Kemble, the editor, started off on a tour of inspection. At New Helvetia he was joined by Sutter, who was at that time principally concerned on account of the neglect of his interests by his employees and the loss of his investments. They journeyed together to Coloma; but during their stay, Sutter's employees appeared to have given up the hunt for gold and to be attending to their lumbering in compliance with their contract. The successful miners had moved off in search of still wider fields. Kemble looked around but saw nothing remarkable; and supposing he had seen all that was to be seen, he returned to San Francisco and published an article in his paper, giving it as his deliberate opinion from personal observation that the gold mines were a sham.

Scarcely, however, was the ink of Kemble's editorial dry, when by new arrivals from the mines more of the metal came in. Jewelers examined it and experts tested it. There could be no doubt that it was gold—genuine gold. Every new arrival brought more of it and information of new discoveries. A parcel, consisting of about half a pound, was offered in payment for provisions at a store and was accepted at the rate of eight dollars per ounce. As soon as this was known, people congregated at the store to look at the precious grains. The news, and its confirmation in the shape of something that could be seen and handled and weighed and sold at such rates, spread rapidly. The excitement became extreme; and almost the entire population of San Francisco prepared to follow after Humphrey and Bennett, who by that time were washing out wealth in large quantities.<sup>1</sup>

In August, 1847, Lieutenant Edward Gilbert of Stevenson's

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<sup>1</sup> Hittell's San Francisco, 124-126.



regiment, under instructions from Governor Mason, took a census of San Francisco and found the population, exclusive of officers and soldiers and not including the Mission Dolores, to consist of four hundred and fifty-nine persons, over half of whom were Americans. Since the beginning of 1846 one hundred and fifty-seven new houses had been erected, previous to which there had been only about thirty. Gilbert went on to say that it was without doubt destined to become the great commercial emporium of the coast. This had been frequently said before; but there were many persons who were of opinion that Monterey would outstrip it. One of the best indications, however, of the comparative standing and prospects of the two rivals was the fact that in May, 1847, the Californian newspaper of Monterey closed out its business at that place and moved to San Francisco, which then had two newspapers—the only ones in the territory. But towards the latter end of 1847, as the war had to a great extent put an end to business enterprise and for the same reason immigration was substantially stopped, the prospects of the town looked gloomy. Though Monterey and other places were still duller, there was little solace in this for the men who had laid out their money and depended upon the advance of the place to bring returns for their investments. The leading spirits met and consulted; and it was determined, in the hope of stimulating renewed immigration, to send out and circulate broadcast, particularly in Missouri, a full account of California and the advantages it offered in its climate and soil to the husbandman, stock-raiser and artisan. Dr. Victor J. Fourgeaud was engaged to write a long article on the subject, which he entitled, “The Prospects of California,” setting forth its attractions and resources. This was printed in six columns of an extra number of the *California Star* in the latter part of March; and on April 1, 1848, the day on which the issue bore date, a courier was dispatched with two thousand copies overland on a contract to reach Missouri in sixty days and spread the document. It was arranged that a second extra, to be prepared with still greater care and to contain much fuller information upon the same subject, should be printed on the following June 1. The paper of April 1 had merely mentioned the rumored gold discovery and treated it as

of no importance. But before the time arrived for the second extra to appear, nearly everybody had gone off to the mines; the towns were all substantially deserted; and no one cared anything more about stimulating immigration. The immense wealth of the gold-fields and the almost fabulous returns for labor were sufficient attractions to soon fill the country; and the promised second extra not only never appeared, but the newspaper itself was obliged to stop its publication for want of hands to get it out.

On May 29, the Californian announced that it was compelled to suspend as all its employees even down to the printers' devil had struck work and gone off to the diggings. The whole country, it said, from San Francisco to Los Angeles resounded with the sordid cry of gold! gold!! gold!!! The field was left half planted; the house half built; everything was neglected but the manufacture of shovels and pickaxes and the procurement of means of transportation to the auriferous hills where one man alone had made a hundred and twenty-eight dollars worth of the "real stuff" in one day's washing and the average for all concerned was twenty dollars a day. On June 14 the California Star also suspended, and for the same reasons. Nearly everybody had left the town. The prices of real estate and all other species of property, except mining tools and provisions, fell to exceedingly low figures; and great sacrifices were made, wherever any one was found willing to invest, to procure means to reach the mines.

On June 1, Thomas O. Larkin wrote from San Francisco to James Buchanan, secretary of state at Washington, an account of the discovery. It was then several weeks since the gold had commenced to come in, and by that time about twenty thousand dollars' worth had been exchanged for merchandise and provisions. Two or three hundred men had gone from there to the mines. Some, after a short stay, had returned, but only to procure more complete outfits. Miners were working out for from ten to fifty dollars per day—one man averaged twenty-five dollars per day for sixteen days. Returned miners were spending from twenty to thirty ounces each. One-half the tenements in the town were locked up, furniture and all, and the owners, storekeepers, lawyers, mechanics and laborers all gone up

the Sacramento. Offers had been made by small companies of from five to fifteen men to pay from ten to fifteen dollars a day for a cook. Many United States soldiers had deserted. The United States bark Anita had but six men left. An American captain, finding himself about to be abandoned, had made a bargain with his crew to continue their pay; leave one man on board ship; take the others to the mines in the boats, and furnish provisions and tools for two-thirds the product of their labors. Spades and shovels, which were worth about a dollar apiece a month before, were selling for ten dollars in the mines; and even as much as fifty dollars had been offered for one. How the governor was going to retain soldiers, he did not know; nor could he undertake to foretell what good or bad effect the discovery was going to have upon the country. The excitement might end in a year; but he had been informed that it would last many years. He himself had seen several pounds of the gold and considered it very pure—worth from seventeen to eighteen dollars an ounce. His statements might appear almost incredible; but they contained nothing that was not believed by every one in San Francisco; and, as he was about to visit the mines personally, he would in a short time make a further report.<sup>1</sup>

According to promise, Larkin afterwards wrote a second letter to Buchanan. It was dated Monterey, June 28, 1848. He had been to the mines and found them to be all he had heard and much more than he had anticipated. He believed gold was to be found in many different branches of both the San Joaquin and Sacramento rivers. Miners were already scattered over a hundred miles of country and the placers were supposed to extend from river to river. He had camped two nights at a tent occupied by eight Americans, of whom two were sailors, one a clerk, two carpenters and three laborers. They had two rockers, each ten feet long and made like a child's cradle but without the ends, and consisting of about a hundred feet of lumber, costing on the spot one hundred and fifty dollars or a dollar and a half a foot. These eight men brought in every evening as the product of their day's labor about two pounds of gold or four ounces, equal to sixty-four dollars, for each man.

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. 1, 51, 52.

He saw two brothers, who worked with a single tin pan between them, weigh the gold they had washed out in a day—one had seven dollars, the other eighty-two. The latter had struck a richer spot and worked more steadily than the former. Larkin tried to employ a carpenter to make a rocker for a Californian; but the carpenter was washing gold and demanded fifty dollars a day for his labor. There were then, according to the best estimate he could make, about two thousand people at the mines, nine-tenths of whom were foreigners. There were about one hundred families, mostly Americans, with teams, wagons and tents. Many others were merely waiting to see whether the summer weather would bring sickness or not before leaving their homes. Should the mines hold out as they promised, as soon as the news should spread, the immigration of 1849 would be many thousands and that of 1850 still greater. Many thought the gold would last a number of years, perhaps a century: he himself believed the product would continue for several years at least. In the absence of scientists, it was impossible to give any reliable opinion as to the extent and richness of the deposits; but the Mexicans, supposed to be familiar with gold mines in their own country, said there were no placers in Mexico like those of California. He was inclined to believe that a few thousand people in a hundred miles square of the Sacramento valley would yearly turn out the whole price the United States was to pay Mexico for all its newly acquired territory. When he had written his first letter, having had some doubt about forwarding such statements, he had shown it to one of the principal merchants of San Francisco and also to Captain Joseph L. Folsom of the quartermaster's department; and they had both assured him that he was far below the reality in his estimates. It might, perhaps, be supposed that he like others was led away by the prevailing excitement. But he thought he was not. When he last wrote, half the houses in San Francisco were abandoned: now three-fourths of them were empty. Houses and lots were now sold at the cost price of the lots. Monterey too had caught the infection. Nearly every house he had hired out had been given up. Every blacksmith, carpenter and lawyer was leaving; brick-yards, saw-mills and ranches were left entirely alone. While he was at the mines, he had seen a late attorney-general

of the king of the Sandwich Islands digging and washing out his ounce and a half per day; and near by were to be found most all his brethren of the long robe in the country, engaged at the same honest occupation.<sup>1</sup>

Under the circumstances, hearing so much about the mines and seeing such proofs as daily reached him of their exceeding richness and extent, Governor Mason resolved to visit them. Accordingly, accompanied by Lieutenant William T. Sherman, he started from Monterey on June 17. Three days afterwards he reached San Francisco and found that all or nearly all its male inhabitants had gone. The town—a few months before so busy and thriving—was almost entirely deserted. From there he and his escort crossed in a launch to Saucelito and thence proceeded by the way of Bodega and Sonoma to Sutter's fort or New Helvetia, where he arrived on July 2. Along the whole route, mills were idle; fields of wheat lying open to horses and cattle; houses vacant, and farms going to waste. At Sutter's fort there was more life and business. Launches were discharging their cargoes and carts hauling goods to the stores. Sutter had only two mechanics in his employ, to each of whom he was paying ten dollars per day. Store-keepers were paying him a hundred dollars per month for a single room; and he had leased a two-story house in the fort enclosure for a hotel at five hundred dollars per month. From Sutter's, Mason proceeded twenty-five miles up the American river to what were known as the Lower Mines or Mormon Diggings, where there were about two hundred men at work and a store had been started. Thence he went to Coloma, twenty-five miles further up the river, and spent several days in examining the neighboring mines in company with Marshall and Captain Charles M. Weber. By that time—only a little more than five months from the discovery—there were upwards of four thousand people employed in mining. In one place a trench was pointed out, about a hundred yards long by four feet wide and two or three feet deep, from which two men with their employees had in a week's time extracted seventeen thousand dollars and after paying off their men had left it with ten thousand dollars net profits. Another small ravine was shown, which yielded twelve thousand dollars; and there

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. I, 53-56.

were hundreds of ravines, to all appearances similar, yet untouched. Gold-dust was abundant in the hands of everybody. An incident occurred in his presence at Weber's store—a sort of brush booth so-called on Weber creek—illustrating the plentifulness of gold-dust and the manner in which it was regarded by those who skimmed over the gulches for the first time. A man came in, picked up a box of Seidlitz powders and asked its price. Weber answered that it was not for sale. The man offered an ounce of gold, when Weber again replied that it had cost him only fifty cents but he did not wish to sell it. The man then offered an ounce and a half, equal to twenty-four dollars; and Weber felt himself obliged to make the trade. The prices of everything were exorbitant; and yet there was no lack of purchasers. Even the Indians, who had hardly known what a decent breech-cloth was, could afford to buy the most gaudy dresses. And still, notwithstanding the thousands of ounces carried away, the gold-fields had as yet been barely scratched. The whole region was rich; every day was developing newer and newer deposits; and the only apprehension seemed to be that the abundance of the gold would seriously depreciate its value.

Mason had intended to visit also the mines on the Feather, Yuba and Bear rivers; but, before he could do so, he was recalled to Monterey, where he returned after exactly a month's absence. Upon putting his information together, he estimated that the total yield of the mines was from thirty thousand to fifty thousand dollars per day. As this wealth came from public land, belonging to the United States, he took into serious deliberation how he could secure for the government a reasonable rent or fee for the privilege of extracting it. But, after considering the large extent of country, the character of the people and the small force at his command, he resolved not to interfere but permit all to work freely, unless broils and crime should call for interposition. So far, crime was very infrequent in the mines; and though people lived in tents or brush houses or in the open air and frequently carried thousands of dollars worth of gold-dust upon their persons, thefts and robberies were almost unknown. The extent of the gold-bearing country was so great and the metal so abundant that there was room and enough for

all. It was difficult at first to believe the reports of the great wealth; but, after his visit and seeing for himself, he had no hesitation in saying that there was more gold in the district drained by the Sacramento and San Joaquin rivers than would pay the cost of the war with Mexico a hundred times over. Nor did it require any capital to obtain it, as the miner wanted nothing but a pickaxe, shovel and tin pan to dig and wash the gravel; and many frequently picked the gold out of crevices in the rocks, in pieces of from one to six ounces weight, with their butcher-knives.

Gold was believed to exist on the eastern as well as on the western slope of the Sierra Nevada, and it was also said to have been found at Salt Lake. Nearly all the Mormons were leaving California for the purpose of going to that place; and it seemed unlikely that they would do so, unless they were sure of finding gold there in the same abundance as on the Sacramento. There was every reason to believe that the placers of California extended all along the Sierra from the Feather river as far south at least as Los Angeles, a distance of not less than five hundred miles; and it was not improbable that the whole country on both sides of the mountains was full of rich deposits.

On his return homewards, Mason also visited the quicksilver mine of New Almaden, about twelve miles south of San Jose, and examined with great care the manner in which the ore was reduced. At that time, the proprietors were using for their furnaces large iron kettles, originally cast for the purpose of trying out oil on board whale-ships. Each furnace consisted of two of these, one inverted, bottom up, over the other, thus forming a close chamber. From a hole in each top kettle a small brick channel led to a condensing chamber at the bottom of which was a small iron reservoir. Every morning the furnace kettles were filled with ore, broken in small pieces and mixed with lime. Fire was then applied to the furnaces under the kettles and kept up all day. The quicksilver, volatilized from the ore by the heat, passed in the form of vapor through the brick channels to the chamber, where it was condensed upon the walls and trickled down into the reservoir at the bottom, from which it was drawn off as merchantable metal. From four such ovens, operated during the two days of his visit, the yield was

six hundred and fifty-six pounds, worth at that time one dollar and eighty cents per pound at Mazatlan. The metal was not yet used in California for collecting gold; but its value for that purpose was appreciated by Mason and others; and hence the more than ordinary importance attached to New Almaden and its apparently inexhaustible supply of ore, not only on account of its own merits but as a coadjutor in the development of the auriferous wealth of the country.<sup>1</sup>

Upon reaching Monterey, Mason wrote to Commodore Jones, who was at Mazatlan, giving an account of his visit to the mines and stating that the discovery, which was then yielding from thirty to fifty thousand dollars worth of gold per day, had of course very much increased the value of California as a conquest; and that, treaty or no treaty, it had settled the destiny of the country.<sup>2</sup> But long before the letter could have reached its destination, the news of the treaty had arrived; and the sovereignty of the country was known to have changed, beyond the possibility of recall, from Mexico to the United States. On August 17, ten days after the proclamation of the treaty at Monterey, Mason wrote to the adjutant-general a very full and circumstantial account of the mines, embracing all the facts he had gathered on his recent visit, which, together with numerous and valuable specimens of gold and cinnabar in proof or illustration of his statements, was transmitted by special messenger to Washington. It reached the government before the meeting of congress; and President Polk in his annual message of December 5, 1848, laid it before the American people.<sup>3</sup> In this authoritative form the news of the California gold spread; and, though there were not wanting newspapers and individuals who decried and tried to ridicule the discoveries, belief soon took hold of the people in general. The gold that had been received was assayed and found to be worth over eighteen dollars per ounce; fresher and fresher arrivals brought larger and larger quantities of the precious metal and newer and newer accounts of further and richer and more extensive discoveries.

Meanwhile the news ran through Oregon, Mexico, the Sandwich Islands and other points on the Pacific. Before the end of

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 528-536.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 624, 625.

<sup>3</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. I, 10, 62.



the summer the greater part of the white inhabitants of California and also many Indians were at the mines; and in the autumn adventurers began coming in from the other countries named and from Peru, Chili and the South Sea Islands. Vessels from every direction, laden not only with human freight but with provisions and clothing and all descriptions of saleable merchandise, converged towards the Golden Gate; and San Francisco—the entrepot of all the trade and the nearest port to the gold-fields—suddenly assumed a commanding position in the commercial world. Ships and barks and schooners flocked into the harbor; many of the old residents, who saw a better chance of making money in trade and speculation than by digging gold, returned and many others followed; business revived; the Californian newspapers started again; there was employment in abundance and at the highest wages for every one who was willing to labor; real estate rose in value; and the town, which had a few months before been nearly deserted, entered upon the unexampled career of progress that makes its early history read like a tale of enchantment.

The great increase of imports and the scarcity of coin for the payment of duties, while gold-dust was abundant and had a fixed merchantable value recognized by business men, induced Governor Mason at the end of July, in response to a request by various citizens, to order that such gold in convenient shape should be received at the custom-house at its intrinsic value. But the order had scarcely been issued, when the governor, upon further investigation, ascertained that however convenient it was unauthorized and illegal; and on August 8 he revoked it.<sup>1</sup> Coin therefore had to be procured and became an article of merchandise, while the common money of the country was gold-dust, the value of which after remaining for a time at twelve dollars per ounce was fixed by a public meeting of merchants, held at San Francisco on September 9, 1848, at sixteen dollars per ounce.<sup>2</sup>

The earliest important notice of the gold discovery, which appeared in the Atlantic States, was published in the Baltimore Sun newspaper on September 20, 1848. But by that time pri-

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 581, 584.

<sup>2</sup> *Annals of San Francisco*, 205.

vate letters from the Pacific coast, filled with the wonderful story, had commenced reaching their destinations. Those of the recipients, who had faith in their correspondents, believed; but for several months the general public heard with incredulity. The private letters urged relatives and friends to sell out at almost any sacrifice and start at once for California. Friends compared letters, which all gave the same account and the same advice. Doubt began to vanish and enterprising men to prepare for the grand exodus. Everybody began to talk about California. The people were in a ripe state for adventurous emigration. The Mexican war, besides stimulating enterprise, had thrown upon the country numbers of vigorous young men, inured to travel and hardships, without regular employments, and ready for new campaigns which promised unlimited rewards of wealth; while in every state there were numbers of all classes eager to better their condition and contemptuous, in the face of the accounts they received, of suggestions of doubt or difficulty or danger. Very soon after the first public notice appeared, all the newspapers from one end of the country to the other were full of the subject. It everywhere became the topic of conversation and discussion. The arrival of newer accounts and larger consignments of gold served to confirm and increase the feeling and it rapidly grew all absorbing—first into an excitement and then into what was called a fever.

It soon became certain that there would be a grand rush for the gold mines. Vessels of all kinds along the Atlantic seaboard were engaged and prepared for the long voyage. In the western states companies were formed and trains arranged for starting overland as soon as the spring should open and afford reasonably good roads for wagons and pasture for stock. Throughout the country, there was a sudden increase in the demand for ship-bread and all kinds of preserved meats and such other provisions as were suitable for a lengthy voyage or an extensive expedition overland; and factories of blankets, rubber-goods, coarse clothing and particularly of rifles, pistols, ammunition and bowie-knives were strained to their utmost capacity of production. By the middle of winter, nearly a hundred vessels had sailed or were nearly ready to sail from the various Atlantic ports, carrying some seven or eight thousand

people and supplies and merchandise of almost every conceivable kind. Thus long before the overland emigration of 1849 commenced, the rush by sea had started and a continuous line of vessels was making its way down the eastern side of the two continents to double Cape Horn and run up the western side.

In March, 1847, while the Mexican war was still pending and hostilities active, congress passed an act providing for a semi-monthly mail between New York and Panama and authorizing a monthly mail between Panama and Oregon. The Pacific route was not sought after; and no responsible bidder offered until April, 1848, when the Pacific Mail Steamship Company was organized and undertook, for an annual subsidy of two hundred thousand dollars, to maintain three ocean steamers on the route between Panama and Astoria by the way of San Francisco. For this line three steamships were prepared, named respectively the California, the Oregon and the Panama, each measuring about one thousand tons burden. The California was the first to leave New York. It carried no passengers around Cape Horn; but, upon arriving at Panama, it took on board a number, who had left New York for Chagres by steamer Falcon on December 1, also a number who had come from New Orleans. These persons, about three hundred and fifty in number, had crossed the isthmus and were impatiently waiting for passage to San Francisco. Among them were General Persifer F. Smith, who was to take command of the United States forces on the Pacific coast, Major E. R. S. Canby and various others who became more or less prominent in the history of California. The vessel left Panama on February 1; touched at several points on the way, and reached San Francisco on February 28, 1849; and, being the first steamer and the first of the line that was to connect California with the Atlantic states by regular communication, its arrival was a great event and hailed with loud cheers and demonstrations of joy.

The Oregon, the second of the Pacific mail steamers, arrived at San Francisco on March 31, with about the same number of passengers as the California carried. Among them was John W. Geary, the first postmaster of San Francisco, who brought out the first regular mail. Captain Robert H. Pearson, who commanded this steamer, did a very smart thing on his arrival.

Instead of anchoring near the town and giving his men a chance to desert, as those of the *California* had done, he ran up alongside of the line-of-battle ship *Ohio* at Saucelito and obtained the privilege of leaving his crew as "prisoners" until he was ready to return to sea again.<sup>1</sup> The *Panama* was detained by an accident and did not reach California until August 18. On April 12 the United States transport ship *Iowa* arrived at Monterey with General Bennet Riley, who had been sent out from Washington to relieve Mason in the governorship of California, and three companies of United States infantry; and a few days previously the transport ship *Rome* had arrived at the same place with Major Heintzelman and two companies of infantry. In June the emigrant ships from the Atlantic sea-board—that long line of argonauts which dotted the route down one side of the two continents and up the other—began reaching the Golden Gate and pouring their multitudes into the population of the golden land. In June eleven of them arrived; in July forty; in August forty-three; in September sixty-six; in October twenty-eight; in November twenty-three, and in December nineteen; or altogether, counting two vessels that arrived in April and one in May, a total of two hundred and thirty-three in nine months. Besides these vessels from United States ports, there arrived during the same nine months from other ports three hundred and sixteen, making a grand total of five hundred and forty-nine vessels or an average of two a day.<sup>2</sup> A great number of them were unseaworthy; and when they reached the bay of San Francisco, they remained there. Some were purposely abandoned as unfit for further service; others, on account of being deserted by their crews, were carelessly left to become worm-eaten and useless; and others, by managing to get hands enough to work them at enormous wages, were used as coasters. Some were run on the mud flats in front of the town and converted into store-houses. But the most of them were left to tug at their anchors, out of the way of travel—respectable but neglected members of the large fleet of old hulks, that for many years afterwards added a picturesque grace to the appearance of the water front.

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<sup>1</sup> Sherman's *Memoirs*, I, 67.

<sup>2</sup> Hittell's *San Francisco*, 137-139.

Meanwhile in the spring immense numbers of trains or caravans of emigrants, with covered wagons usually drawn by oxen, started on their way from the western frontiers across the plains. There was a continuous stream of them, which, by the time the first ships from the Atlantic ports reached San Francisco, stretched across the continent and began pouring over the Sierra Nevada into the Sacramento and San Joaquin valleys. It presented a sight that had not been seen before and may not be seen again. There was something like it in the annual emigrations for a few years following. But the grand march of the heartiest adventurers, the great spectacle of the age, was the immigration of 1849. During that year the immigrants by sea, not including about three thousand deserting sailors, numbered thirty-five thousand, of whom twenty-three thousand were Americans. During the same year the immigration overland was about forty-two thousand, of whom thirty-three thousand were Americans. This made a total of seventy-seven thousand; and at the end of the year the entire white population of California was estimated in round numbers at one hundred thousand persons,<sup>1</sup> a large majority of whom were Americans, trained in American schools, imbued with American principles and included some of the choicest spirits from every section of the United States. It was these people, thus brought together from the north and the south, the east and the west, that amalgamated and combined to lay the foundations of and initiate on its career of progress—which is yet barely commenced—the state of California, pre-eminently in fact, as well as in name, the Golden State of the Union.

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<sup>1</sup> Hittell's San Francisco, 139, 140.

## CHAPTER VIII.

### RILEY.

THE vast importance of California, recognized even before the war and still more so after the United States had taken possession and its resources came to be appreciated and began to be developed, rendered it necessary that a proper government should be provided as speedily as possible. So long as the soil was Mexican and the United States held it merely as a belligerent, nothing could be done but maintain the military occupation and govern it by military force. But the moment the treaty of peace was ratified and the soil ceded, it became as completely and entirely a part of the United States as any other part of the Union. From that moment the military government as such ceased to have any obligatory authority and, although no apparent change took place in the control of the country, it was, as a matter of law, left without any legal management. In his special message to congress of July 6, 1848, communicating the ratifications of the treaty, President Polk noticed this fact and invoked immediate action for the purpose of providing a regularly organized territorial government. But the presence of another topic of engrossing consideration, which shook the nation to its very foundations, prevented definite action; and congress adjourned without making any provision upon the subject.

On December 5, 1848, in his annual message at the opening of the second session of the thirtieth congress, in connection with which were presented the report of Mason and the letters of Larkin on the gold mines, President Polk again referred to the same subject and said that the condition of the country imperatively demanded the immediate organization of a territorial government. The inhabitants had become entitled to the

benefits of the laws and constitution of the United States and yet were left without any provision made for according them their rights. It was true that the very limited power of the executive had been exercised to preserve and protect them from the inevitable consequences of anarchy; but the only government, which remained in the country, was that established by the military authority during the war; and that was nothing more, under the most favorable point of view, than a mere *de facto* government. It was entirely temporary in its character and rested almost exclusively upon the presumed consent of the inhabitants, on an understanding that it would continue only until congress could again assemble and legislate a legal and authoritative government.<sup>1</sup>

The real cause of the failure at the previous session to provide a territorial government for California, and which continued to stand in the way and make the subject of a government for California the occasion of the most bitter and rancorous political controversy known in the councils of the nation, was the slavery question. Previous to that session the slave states had always exceeded the free states in number and exerted a controlling influence over the national government. Mainly for the purpose of preserving that control, they had admitted Texas into the Union and in effect brought about the Mexican war. But the advocates and representatives of freedom made a manly fight and, as the conflict went on, won triumph after triumph. When Texas was admitted in 1845, there were twenty-eight states, of which slavery had a majority of two; but in 1846 Iowa, and in 1848, at the session referred to, Wisconsin was admitted, which made the number of States thirty, equally divided between free and slave. On each of these occasions the most violent political passions were aroused; and, as slavery lost point after point, it became more and more desperate and advanced further and further on the dangerous course, which finally plunged it into the civil war and brought down upon itself not peaceable extinction, as was to have been hoped, but the destruction of fire and sword with still unclosed sores and unhealed wounds.

In the acquisition of a large extent of new territory from Mexico, which either with or without purchase was to be the

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<sup>1</sup> Ex. Doc. 2 Ses. 30 Con. H. R. No. 1, 12.

result of the Mexican war, slavery looked forward to the possibility of regaining its lost pre-eminence and prestige. But freedom was not disposed to consent to or permit anything of the kind. The matter came before congress in 1847, after the war had commenced and when there began to be talk of peace, in the shape of a proposition to appropriate three millions of dollars for the purpose of enabling the president to negotiate with Mexico a new boundary line and secure to the United States additional territory. It was to a bill, drawn and presented in furtherance of this proposition, that David Wilmot, a representative from Pennsylvania, moved his famous amendment, known as the "Wilmot Proviso," to the effect that no part of the territory to be acquired should be open to the introduction of slavery. This brought the vital question between freedom and slavery to the front and led to a discussion and agitation, which constituted prominent and important parts of the tragic political drama that was gradually evolving.

The Wilmot proviso passed the house of representatives, but was defeated in the senate; and at the next session the appropriation as proposed was adopted. But the battle was far from over. As an offset to Wilmot's proviso, John C. Calhoun of South Carolina moved a series of resolutions to the effect that congress had no right to prohibit slavery in a territory, on the ground that the constitution of the United States recognized the institution as one of the rights of the people. To this it was answered that the resolutions would not effect the purpose for which they were designed, for the reason that all the territory to be acquired was Mexican and that the Mexican government had long before forever abolished slavery in every inch of ground over which its flag waved. It is not at all likely that this consideration would have had much influence of itself; but, as the controversy progressed, it was found that the effort to extend slavery over California would meet with very inflexible resistance. It was on account of this controversy, and the determination on the part of the south that slavery should be recognized and on the part of the north that it should not be, that no territorial government could be agreed upon. When President Polk in July, 1848, transmitted the ratifications of the treaty and called for the adoption of a territorial government, a sort of



compromise proposition was adopted in the senate to refer the subject to a committee of eight equally divided between the two parties. This committee, after some stormy sessions, reported a bill designed to provide a territorial government for Oregon, California and New Mexico and leaving all questions in reference to whether slavery could legally exist or be extended over the territories to the adjudication of the supreme court of the United States. But this also, like many other propositions involving the vexed question that divided the country, failed to meet with concurrence. The senate passed the bill, but the house of representatives rejected it.

It was at the next or second session of the same congress, which met in December, 1848, that President Polk presented his message, announcing the discovery of gold in California, the great value of the country, the anomalous condition of affairs existing there, the great influx of population which was sure to take place, and the necessity of immediate provision being made for its government. But congress took up the matter much as it had taken it up before. Stephen A. Douglas of Illinois presented in the senate a bill for the creation of a state of California including all the territory acquired from Mexico, reserving the right in congress to carve other states out of it. This was referred to the judiciary committee, which reported adversely on the ground mainly that the constitution provided only for the admission and not the creation of new states and that the proviso reserving the right to carve new states out of one once admitted was impracticable and would be void. It therefore recommended that, instead of one new state, two territories should be erected. And this was about as far as anything like action went. Talk on the other hand was voluminous and most of it as foolish as it was voluminous. In the light of facts, it is a matter of astonishment to read the discussions that took place in reference to what ought to be done with California. Such a mass of unfounded assertions and absurd propositions by men of high standing, who might have been supposed to know better, renders it surprising that wisdom could ever have been expected of a body in which there could have been so much folly. Some members lamented the discovery of gold; others pronounced it a bubble; still others proposed to cede back the

country to Mexico—there seemed in fact to be nothing too ridiculous for some members to offer and for other members to advocate.

It is a bad fashion, customary with many of the legislative bodies throughout the United States, to turn the last hours of a session into a farce, generally good-humored but, under all circumstances, ill-timed and inappropriate. But in this last session of Polk's administration, the custom was reversed—the farce liberally sprinkled throughout the session, and an almost savage quarrel reserved for the end. Certain amendments had been engrafted upon the civil and diplomatic appropriation bill, extending the revenue laws of the United States over California; and these led to a fierce discussion, re-exciting much of the bad blood that had been engendered by previous controversies. Without the passage of an appropriation bill or some other as yet untried means to pay necessary expenses, the United States government could not be carried on; and the bill was in danger. A new president had been elected, who on account of March 4, 1849, falling on Sunday, was to be inaugurated on March 5; and the congress by constitutional limitation was to expire with its session of Saturday, March 3. But Saturday came and went; and no appropriation bill had been passed.

As the hour of midnight between the Saturday and Sunday approached, the excitement grew intense. The friends of the amendment refused to recede and the opponents refused to acquiesce. Strike out all about California and save the appropriation bill, cried some. Save California and lose the appropriation bill, cried others. The quarrel still raged when the clock struck and Sunday commenced. Some claimed that the congress was ended. But others, among whom Daniel Webster of Massachusetts was chief, insisted that the legislative day did not end until the adjournment of the sitting. Henry S. Foote of Mississippi raged at this proposition. He denied that the senate was any longer a legal body and protested that no further action whatever could be taken. But his rage accomplished nothing. The controversy went on; there were hisses and groans and threatened personal collisions; but, as the dawn began to glimmer and the danger of a failure to pass the bill became more and

more apparent, the senate finally receded from its opposition to the California clause; the bill passed; and about daylight on Sunday morning, after an all-night session—among the most memorable in its annals—congress adjourned.

No government of any kind had been provided for California; and the country was left, as it had been left before, without any legal authority, except such as was exercised by a governor appointed by the president and the so-called *de facto* government which he had established. But the appropriation bill had extended the revenue laws of the United States over all the territory ceded by Mexico; made San Francisco a port of entry and Monterey, San Diego and what is now Fort Yuma ports of delivery; authorized the president to appoint a collector of customs, and provided a complete revenue system, which in a fashion recognized and legalized the regulations that had, from the very necessity of the case but without warrant of statute, been imposed by Governor Mason. The only other important action that had been taken at Washington for the good of California was the appointment on November 1, 1848, of an agent, in the person of William Van Voorhies, for the establishment of post-offices and the transmission of mails in the territory, and the appointment in January, 1849, of a commission, at the head of which was John B. Weller, to run and mark the boundary line between the United States and Mexico. Thus Polk's administration ended in the midst of excitement—with the free and slave states of the Union equally divided in numbers, and California the central point around and about which it seemed likely the inevitable life and death struggle between freedom and slavery was to be fought out. But, fortunately for the peace and prosperity of California, it was at this very time filling up with streams of immigrants as no other country had ever filled; and, before the next congress could meet, it had taken its destiny in its own hands and on its own soil settled its own future status forever and beyond the possibility of a peradventure or a doubt.

Even before the close of Polk's administration—as soon in fact as it became apparent that there was going to be a struggle in congress and that the adoption of a bill organizing a government might be delayed a long time—the Americans in California began to discuss the subject of organizing a government for them-

selves. The first public meeting for this purpose was held at San Jose on December 11, 1848, and it recommended the assembling of a constitutional convention in the following January. Similar but much larger and more outspoken meetings were held at San Francisco on December 21 and 23, which resolved that congress had been trifling with the subject of a government for California; that there was no more time to be lost; that immediate steps should be taken by the people themselves to provide a government, and that with this object in view delegates should be elected to represent the district in a constitutional convention to be held at San Jose in the following March. Other meetings of the same general character were held at other points; and public opinion throughout the country was aroused. The great difficulty was that there was no concert or unanimity of action. On January 8, 1849, San Francisco, in conformity with the resolutions of the previous meeting, elected five delegates; and several other places about the same time followed its example. But as there were still other points particularly in the southern portion of the country, which were not so prompt and as yet took no action, it was resolved, so as to afford them ample time to prepare for and elect delegates, to postpone the proposed meeting of the convention from March till May.

It was perfectly well known from the start that the question of negro slavery would be mooted and play a part in the discussions of the convention. While the general sentiment of the majority of the Americans in the country and of nearly, if not entirely, all the native Californians was against it, there were still enough people from the southern states and enough northern men with pro-slavery proclivities to render it certain that an effort would be made to introduce and sanction it. Under the circumstances, the advocates of freedom deemed it proper to take early and decisive action upon the subject. Public meetings, with this distinct object in view, attended by the principal men of the district and presided over by Captain Joseph L. Folsom, one of the most prominent citizens, were held at San Francisco on February 17 and February 24, 1849; and the San Francisco delegates, elected to the convention, were instructed by all honorable means to oppose any act, measure, provision or ordi-

nance calculated to further the introduction of domestic slavery into the territory of California.<sup>1</sup>

In the meantime, while thus taking measures for the formation on the authority of the people themselves of a constitutional convention, the citizens of San Francisco called a public meeting for the purpose of providing a better defined and more efficient local government for their own district. The municipal affairs of the town were in a state of great confusion. In July, 1847, George Hyde the alcalde had on his own authority selected six persons to assist him in conducting the public business and to constitute an ayuntamiento or council until such time as the governor should think proper to call an election. In August Governor Mason ordered an election for six councilmen, who in conjunction with the alcalde were to constitute the town authorities until the end of 1848. This election took place on September 13; and six prominent citizens were chosen who in due time assumed office. In March, 1848, Hyde, against whom various charges of maladministration had been made and much feeling excited in certain portions of the community, thought proper to resign; and John Townsend was appointed in his place.<sup>2</sup> Townsend acted until the end of August, when a special election to fill the office of alcalde was held and Thaddeus M. Leavenworth chosen to the position. On December 27, as the term of the ayuntamiento of 1848 was about expiring, an election was held to choose councilmen for the year 1849; and the persons receiving the highest number of votes were supposed to be elected. But the old council, upon canvassing the returns, declared the election invalid on account of the reception of unqualified votes and ordered a new election.

This second election took place on January 15, 1849; but, for the reason that the people in general did not acquiesce in the decision of the old council in pronouncing the previous election invalid, there was a very slight vote—not exceeding one-fourth the number thrown in December. There were thus two different sets of councilmen, each claiming to constitute the only legal ayuntamiento—one set elected on December 27 and the other set elected on January 15. The old council of 1848,

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<sup>1</sup> *Annals of San Francisco*, 208, 218–220.

<sup>2</sup> *Ex. Doc. 1* Ses. 31 Con. H. R. No. XVII, 362, 494, 495, 499, 500.

which claimed to hold over until the proper qualification of its successor, favored the last set and manifested a disposition to turn over to it the town records, while the citizens generally insisted upon the recognition of the first set, elected in December.<sup>1</sup> It was while affairs were in this condition and the controversy between the rival councils and their respective adherents growing hotter and hotter, that it was deemed advisable to call a public meeting and devise a new plan of municipal government.

The meeting was held on Portsmouth Square, as the plaza had been named, on February 12. Myron Norton presided. George Hyde presented a scheme for the election of the new body having power to pass laws not in conflict with the constitution of the United States nor repugnant to the common law. This body, which was to be presided over by a speaker, was to consist of fifteen members, to be known as the "Legislative Assembly for the District of San Francisco," and to enter upon the duties of office on the first Monday of March. The judicial power was to be vested in three justices of the peace, of equal though separate jurisdiction, who were to be elected by the people and empowered by their office to hear and determine all civil and criminal issues in the district. The election was to take place on February 21; and all persons elected were to hold office for one year from the date of their commissions unless sooner superseded by the United States government, by the constitution about to be adopted for the territory, or by the action of the people of the district. Hyde's plan having been adopted, it was resolved that both the rival councils should be requested to resign, which they accordingly did; and on the day appointed an election was held and the officers, provided for by the new scheme, declared duly elected.<sup>2</sup>

On March 5, the so-called legislative assembly or district legislature of San Francisco met. Francis J. Lippitt was elected speaker. A committee was appointed to report a code of laws and another committee to wait upon General Persifer F. Smith, commander of the military forces, and Commodore Thomas Ap

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<sup>1</sup> *Annals of San Francisco*, 218-220.

<sup>2</sup> *Ex. Doc. 1* Ses. 31 Con. H. R. No. XVII, 729-731; *Annals of San Francisco*, 220.

C. Jones, commander of the naval forces of the United States and solicit their recognition of and concurrence in the proceedings of the people of the district. A letter was drawn up by the latter committee and presented to General Smith, who had only a few days previously arrived at San Francisco, setting forth their views on the legal status of the country. They claimed that upon the ratification of peace, Governor Mason ceased to have any further civil relations with the territory. They further adverted to the fact that the office of alcalde, which in the absence of any action by congress for the government of the country had been declared to be continued on what was supposed to be the presumed consent of the people, was one of altogether indefinite and uncontrolled power and liable to very great abuses; and they regretted to add, evidently referring not to Hyde but to Leavenworth, that it had been abused for the purpose of gratifying personal malice and promoting self-aggrandizement. For the time being, they had submitted patiently in the hope that relief would soon be extended by the government at home or by the creation of a provisional government, already called for by the people of the territory. But when the prospect of obtaining relief within a reasonable time faded away, the citizens of San Francisco had met in their primary capacity and unanimously adopted a plan of local government, which action on their part was, as they were satisfied, within the scope of their powers as citizens of the United States and would be, as they believed, justified and sustained by the president and congress. Under these circumstances, the plan and a full report of all the proceedings that had been taken were submitted to the highest military authority of the United States in the territory for the purpose of soliciting its acquiescence and the necessary aid, if it should be required, in preserving order and protecting the lives, liberties and property of the people.

On March 27 Smith replied. He said that, as he understood the plan proposed, it included all the sovereign powers of government; and that, as his recognition and concurrence could only be asked upon the supposition that the proceedings were constitutional and legal, he presumed that his opinion was asked upon that subject. He deemed it unnecessary to do

more than to state the opinion of the president of the United States and his cabinet—which had been sufficiently promulgated and laid before congress—as the decision of the executive upon these points; but he would add that he believed it well founded and that he considered it his duty to conform to it. This opinion was, that on the ratification of the treaty upon May 30, 1848, the government then existing in California continued as a *de facto* government; that it had of necessity to continue until congress should provide another one; that congress had exclusive jurisdiction and authority over the subject and therefore no other power could establish a government, and that, though the state of war upon which the military government as such was founded and rested for its authority no longer existed, yet, as a matter of necessity and to prevent anarchy, its continuance and the consent of the people to its continuance as a government *de facto*, until congress should act, must be assumed. He had no doubt the citizens of San Francisco had been actuated by pure and patriotic motives and that the government devised would be conducted so as to insure respect; but, if not founded on admissible principles it could not but lead to endless litigation and difficulty. As to the arguments presented to him, he had no reply to make for the reason that he deemed the position assumed by the executive in reference to the points involved as self-evident. But in any event, he would respectfully suggest that an opinion upon a point of constitutional law, which was the result of the deliberations of such jurists as Mr. Buchanan, Governor Marcy, Judge Mason, Mr. Walker and Judge Taney and published to the world by the president of the United States in his annual message, was entitled to some weight in at least postponing further action until it could be reconsidered by the executive. Though he felt the greatest interest in the welfare of the rising community, and would at once defer any personal opinion on matters of expediency to the superior knowledge of the citizens of San Francisco as to what would best suit their wishes, he considered that, in relation to a matter of fundamental principle like that submitted to him, he would be doing them a great injustice if he did not use every effort to prevent the intricacy and confusion that would inevitably result from establishing even the best government on a false basis.<sup>1</sup>

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 732-737.



The same objections, which Smith thus made to the new local government for San Francisco, would of course apply with at least equal force to any government for the territory that might be provided by the proposed new constitutional convention. Nevertheless, although the questions involved were to his comprehension apparently self-evident and the opinions of those eminent jurists Buchanan, Marcy, Mason, Walker and Taney were as he supposed so overwhelming, neither the citizens of San Francisco nor the advocates of a constitutional convention were convinced or disposed to abandon their plans. While the Buchanan theory of a government *de facto*, dependent upon the presumed consent of the people, was supported or supposed to be supported by prominent men, other men equally prominent supported the contrary doctrine, maintaining that there was no government and that until one was provided the people, as citizens of the United States, had a right to govern themselves. This was sometimes known as the Benton doctrine, for the reason that Senator Benton advocated it with great warmth. Though he was actuated more perhaps by a spirit of opposition to the administration than on account of any views of statesmanship, he had recommended and urged the people of California to take their affairs into their own hands; and this, as has been seen, they were nothing loth to do. But, as it was desirable when a constitutional convention should be held that the entire country should be represented, and as it was found even after the postponement from March to May that there were still remote points that had not as yet taken any action, it was in March deemed advisable, and therefore resolved by a concurrence of the delegates already elected, to again postpone the meeting of the proposed convention from May to August and to change the place from San Jose to Monterey.<sup>1</sup>

Such was the state of affairs in reference to the question of a government for California on April 12, 1849, when General Bennet Riley, who as already stated had been appointed by President Polk to relieve Colonel Mason from his duties as governor, arrived at Monterey. General Smith, though commander-in-chief of the United States forces and superior officer on the Pacific coast, did not claim any civil authority whatsoever;

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<sup>1</sup> *Annals of San Francisco*, 220, 221.

on the contrary he expressly disavowed it; but at the same time he deemed it his duty to recognize the so-called *de facto* government as and declare it to be the only lawful civil authority that could exist in the country, until another government should be established by congress.<sup>1</sup>

On April 13, 1849, Riley assumed office as brigadier-general commanding the tenth military department of the United States and governor of California. He claimed to have the same powers that Governor Mason had exercised and proposed to conduct civil affairs in the same manner. With this end in view, he re-appointed Henry W. Halleck secretary of state. He immediately assumed a supervisory control over alcaldes and appointed notaries and other civil officers, the same as Mason had done without question before the ratification of the treaty; and in all respects he carried on his administration on the theory of a valid existing *de facto* civil government in accordance with the Buchanan theory.

But at the same time he felt favorably disposed to the calling of a constitutional convention. Mason, who had watched the course of events in California, upon delivering over the office of governor, had advised him to call such a convention and thus meet the wishes of the people; and he fully resolved to do so. Upon further reflection, however, he deemed it best to postpone action until it could be ascertained what had been done in congress. On June 1, learning from information brought by the United States steamer Edith that congress had adjourned without organizing a territorial government, he immediately made up his mind to issue his proclamation. He did so on June 3. It was a document of considerable length and started out with an exposition of the government and laws as they then existed; the need of a convention to provide a state or territorial government, subject to the approval of congress, for the future wants of the country, and the necessity of completing the organization of the existing civil government by the election or appointment of all officers recognized by existing laws to meet the temporary wants of the country.

In explaining the existing government, he said that it consisted: first, of a governor appointed by the supreme govern-

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 710-712.

ment whose powers and duties were limited but fully defined by law; secondly, of a secretary of state whose powers and duties were also defined; thirdly, of a territorial or departmental legislature with limited powers to pass laws of a local character; fourthly, of a superior court consisting of four judges and a fiscal; fifthly, of a prefect and sub-prefects for each district charged with the preservation of public order and the execution of the laws; sixthly, of a judge of first instance for each district, though this office was by custom not inconsistent with the laws vested in the first *alcaldes* of the districts; seventhly, of *alcaldes*, who were judicial officers having concurrent jurisdiction among themselves in their districts but subordinate to the superior judicial tribunals; eighthly, of local justices of the peace, and, ninthly, of *ayuntamientos*. The powers and functions of all these officers were fully defined in the laws of the country and were almost identical with those of corresponding officers in the Atlantic and western states.

In order to complete this organization with the least possible delay, he appointed the following August 1 as the day for holding a special election for delegates to a general convention and for filling the various offices of judges of the superior court, prefects, sub-prefects and all vacancies in the offices of judge of first instance, *alcalde*, justice of the peace and town council. Though judges of the superior court and prefects could be appointed by the executive, he was desirous that the wishes of the people should be fully consulted and would appoint any persons designated by their votes, provided they were competent and eligible for such offices. A judge of the superior court would therefore be elected in the district of San Diego, Los Angeles and Santa Barbara; one in the district of San Luis Obispo and Monterey; one in the district of San Jose and San Francisco, and one in the district of Sonoma, Sacramento and San Joaquin. Each district should also elect a prefect and two sub-prefects and fill vacancies in other offices. The salaries of superior judges, prefects and judges of first instance were to be regulated by the governor, but not to exceed four thousand dollars per annum for the first, twenty-five hundred for the second and fifteen hundred for the third. The judges of the superior court would be required to meet within three months after organiza-

tion of their court and fix a tariff of fees for territorial courts and officers, including alcaldes, justices of the peace, sheriffs, constables and so on. All local alcaldes, justices of the peace and members of town councils, elected at the special election should continue to hold office until January 1, 1850, when their places should be filled by a regular annual election to take place in November, at which time members of a territorial assembly would also be elected.

The convention for forming a state constitution or territorial government, as might be determined, was to consist of thirty-seven delegates, who were to meet at Monterey on September 1. Of these delegates San Diego was to elect two, Los Angeles four, Santa Barbara two, San Luis Obispo two, Monterey five, San Jose five, San Francisco five, Sonoma four, Sacramento four and San Joaquin four. Every free male citizen of the United States and of Upper California, twenty-one years of age and resident in the district where his vote should be offered, was to be entitled to the right of suffrage; but great care should be taken by inspectors to receive only the votes of bona fide citizens and actual residents. Riley added a description by boundaries of the respective districts, and concluded his proclamation by announcing that the method thus indicated for obtaining a more perfect political organization was the course advised by the president and the secretaries of state and of the navy and expressing a hope that it would meet with the approbation of the people.<sup>1</sup>

This proclamation, though in accordance with the Buchanan theory it denied the right of the people to organize a government on their own authority and therefore ignored the delegates already elected, met with acceptance in most quarters. It was calculated to accomplish the desired object on a theory different from that which was most current; but the people in general cared little or nothing about the theory and were willing to acquiesce in any plan to secure their end. But the citizens of San Francisco were not at first disposed to recognize Riley's proclamation. The question with them was, however, not entirely one of theory. It had assumed a practical form. They had in March organized their new plan of local government

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 776-780.

with three justices of the peace and a district legislature for the purpose of accomplishing practical objects. One of these was the settlement of the controversy between rival ayuntamientos; but the chief object was to get rid of Leavenworth, the first alcalde, by superseding and destroying his office. Being determined upon their course, they had paid no heed to Smith's opinion that their action was invalid, or to his advice to postpone further action. On the contrary they proceeded to make laws, create and fill offices, and impose and collect taxes. Leavenworth having declined to deliver over the books and papers of his office, the sheriff was directed to seize them by force, which he accordingly did. Leavenworth thereupon appealed for protection to Riley. Though Riley had previously suspended Leavenworth from the exercise of any of the duties or functions of his office on account of charges of maladministration, he now restored him and a few days afterwards issued a special proclamation, declaring all the proceedings of the district legislature of San Francisco null and void, warning all persons against countenancing them and calling upon all good citizens to assist in restoring to the first alcalde the books and papers that had been seized and sustain the legally constituted authorities of the land.<sup>1</sup>

As the governor had thus denounced the district legislature, the district legislature in its turn denounced the governor. It issued a long address to the people in answer to what it termed Riley's "uncourteous and disrespectful" proclamation. It claimed, in opposition to his declaration, to be a legally constituted body, deriving its authority from the people, and resolved to hold office until formally deprived by the people. There was much angry feeling and much bitter talk. Leavenworth, who had been the prime occasion of the quarrel, found it so hot that he deemed it advisable to tender his resignation; and Riley thereupon commissioned nine of the principal citizens to hold a special election to choose a successor and also to fill various vacancies that had occurred in several of the municipal offices.<sup>2</sup>

At the same time that this controversy in relation to the district legislature was going on, the citizens of San Francisco

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 759, 771, 773, 774.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 774.

called a mass meeting for June 12 on Portsmouth square to take into consideration Riley's proclamation for a constitutional convention. It was presided over by William M. Steuart. Its proceedings were a reflex of the feelings which were then prevalent in the San Francisco community. It resolved that the people had a right to organize a government for their own protection; that delegates should be chosen on the authority of the people themselves; that Riley's call was not binding upon them, and that a committee of five should be appointed to confer with other districts in the country in order to carry out the plan of a convention for themselves. A committee was accordingly appointed, and the meeting adjourned. But in the course of a few days, the excitement, which had risen high, calmed down. Leavenworth having offered to step down and out, it began to be inquired whether there was anything any longer worth quarreling about. The opinion grew stronger and stronger every day that the one thing needful was a state organization, which would relieve the country from the interference of military officers and secure for the people the right to govern themselves in their own way; and that it made little difference how it was brought about—whether on the Buchanan theory or on the so-called Benton theory. In accordance with this view, the committee appointed by the mass meeting issued an address on June 18, in which—without admitting the power or right in Riley to appoint the time and place either for the election of delegates or for the meeting of the convention—they recommended as a matter of expediency that the terms of his proclamation should be accepted and adopted.

This address met with approval and thus removed one cause of difficulty. That in reference to the district legislature still remained. But the change in popular feeling on the subject soon led to the elimination of that bone of contention also. The district legislature had appealed for support against Riley to the people; and a ballot was taken on the subject on July 9; but, though one hundred and sixty-seven votes were thrown in favor of its continuance in office and only seven against the proposition, still the smallness of the total vote, in comparison with the large number of the actual population of the district, indicated that the people had lost all interest in the controversy and tac-

itly desired to have nothing more to do with it; and the so-called district legislature thereupon dissolved itself and vanished from the scene.<sup>1</sup>

Thus, the jarring elements being composed and opposition abandoned, it was settled that there should be a constitutional convention as proposed in Governor Riley's proclamation of June 3; that new delegates should be elected on August 1; that the convention should meet on September 1 at Monterey, and that in the meanwhile and until a state constitution could be formed and should be adopted, officers should be elected according to the old Mexican system as set forth in the proclamation, and the old *de facto* government continue in tolerated existence.

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<sup>1</sup> *Annals of San Francisco*, 222, 223.

## CHAPTER IX.

### RILEY (CONTINUED).

WHEN the election of August 1, 1849, took place, the white population of California was between forty and fifty thousand. Most of it, however, was scattered at different places throughout the mining regions. The population of San Francisco was about five thousand. There were some two hundred square-rigged vessels and numerous smaller craft in the harbor, chiefly from Pacific ports, the Sandwich Islands, China and Australia, whose passengers and in most cases their crews also had hurried off to the interior. Nearly all the population had been to the mines and returned with more or less gold-dust. The comparative ease with which it had been acquired and the knowledge that there was plenty more in the river beds and foot-hills, which could be drawn upon as soon as their present stock was exhausted, had induced and encouraged habits and feelings of the most reckless extravagance; and the natural result of extravagance was dissipation and excess. Gambling developed into a regular business—one of the most generally carried on and the most extensive in the enormous amounts staked upon it in the country. At the same time the gambling spirit, fostered as well by the experiences of varied fortunes in the gold-fields as by the gaming tables, pervaded all branches of business. Speculation took the place of legitimate trade; prices rose and fell; fortunes were made and lost in a day; schemes of all kinds became rife and all, without much reference to their utility or practicability, found persons in abundance ready and eager to engage in them. While very few persons were willing to work or to be satisfied with the regular wages of labor however high, everything plunged into a state of fever and unnatural and unhealthy excitement.



This was more or less the condition of things throughout the country; but it was more apparent and more sensibly felt in San Francisco than elsewhere. As the great central point for speculation and business, through which all the immigrants by sea passed and all the supplies and merchandise were compelled to enter, and to which almost all the gold whether intended to remain or to be shipped away was brought or sent, all the idle men in the territory, as well those who as they thought had worked long enough in the mines as those who chose easier methods of making their livelihood, congregated there. Not only these, but speculators by nature and profession found their way to the same point. A shining example of this class was one John B. Steinberger, usually called "Baron Steinberger." He was a large, physically fine-looking, smooth-tongued fellow; had been an extensive speculative cattle-dealer in the East, and used to boast that he had helped break the United States bank by being indebted to it, as he said, five million dollars. He had come out on the first trip of the steamer Oregon and proposed to slaughter and salt down beef for the use of the army and navy. Among the difficulties he encountered were that he had no barrels and no brine, nor any boat for transportation purposes on the bay. But he said he could get plenty of cattle from Don Timoteo Murphy at San Rafael; and, on the strength of this assurance, Commodore Jones furnished a boat and promised him all the barrels and brine of the United States stores as fast as the supplies on hand were used. Thus provided with a sort of backing, he opened the first regular butcher-shop in San Francisco near what was then the foot of Broadway street, and soon did an extensive business. For prices ranging from twenty-five to fifty cents a pound he disposed of the choicest roasts, steaks and cuts of beef, which had cost him nothing; for he never paid anybody if he could help it; and before very long he substantially stripped Don Timoteo. His receipts were so large that in a very short time he returned his borrowed boat and set up for himself. In the course of a few months he became one of the airiest and most pretentious men in the country. He gave dinner parties and banquets regardless of expense, like a veritable baron of old. But there was of course a speedy end of all this. As soon as he was found out, he lost his credit; and,

being caught in a tight place in his wild speculations, he became hopelessly and helplessly bankrupt. In the course of a year or two, he would step into gentlemen's business houses, or even stop them on the street, and borrow small sums of money in repayment of their share in his gallant feasts. Afterwards, in 1861, he followed Fremont to St. Louis and soon afterwards died there—a pauper in one of the hospitals.<sup>1</sup>

As the large accession of population poured into San Francisco before regular houses for its accommodation could be erected, and neither building materials nor labor was for the time to be had, shanties and sheds, brush booths and canvas tents supplied their place. The built-up portion of the town included about half a mile square of ground embraced between California, Powell and Vallejo streets and the then water front. The tents, booths and shanties were stuck chiefly outside of this district, along roads or trails on the hill-sides, or among the bushes and sand-drifts of the leveler grounds. There had been no grading; nor was there anything like an improved street. There were several great ravines coming down from the high hills west of Stockton street; and all that part of what is now the city, as well as all the sand-drifts to the south of California street towards the Rincon in one direction and towards the Mission in the other, were covered with chaparral.

The most notable buildings were around Portsmouth Square. Near the northwest corner was the custom-house, a one-story adobe; near the southeast corner the City Hotel, a one-and-a-half-story adobe; and directly in front on the east the Parker House, a two-story frame, which had been built at a cost of thirty thousand dollars but was rented at fifteen thousand dollars per month for a gambling house. Next north of the Parker House was a large tent, also used for gambling purposes and known as the El Dorado. There were a few other adobe buildings, a few business houses on or near the line of Montgomery street, which constituted the water front, and a number of slightly built frames. There were two small wharves, one about seventy feet long between California and Sacramento streets, whose outer end did not extend as far as Sansome street, where there was a depth of five feet of water at low tide; and the other about thirty feet long

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<sup>1</sup> Sherman's Memoirs, I, 69.

on Commercial street at the outer end of which there was only two feet of water. The chief landing place, besides the wharves, was, as it had been since 1835, at Clark's Point, near the present corner of Broadway and Battery streets, where the deep water came close up to the rocky shore. Nearly all the level portion of the present city east of Montgomery street, having a width of considerably over half a mile, was a great mud flat, some portions of which were exposed at low tide; but south of Pine street there was a long, flat, sandy beach, running with a sweeping inland curve to the Rincon.<sup>1</sup>

Though there were only a few business houses, business was extraordinarily active. During the six months preceding April 1, 1849, the quantity of goods received and landed amounted in invoice value to very nearly eleven hundred thousand dollars; and as they were usually sold upon landing at an average advance of two hundred per cent., the sales amounted to some three millions of dollars. While the merchandise flowed in from one direction, the gold to pay for it flowed in from the other; and besides the three millions paid for goods it was fairly estimated that at least a million and perhaps much more had by that time passed into or through San Francisco without changing hands at all.<sup>2</sup> In December, 1848, the first American public school, which had originally opened on April 3 but had closed during the gold excitement of the summer and autumn, had re-opened and was flourishing in a building on Portsmouth Square, called the Public Institute. In the same building also, there being as yet no church, Protestant religious worship was conducted regularly every Sunday by a minister named T. D. Hunt, whose annual salary of twenty-five hundred dollars was raised by general subscription.<sup>3</sup> There was one newspaper, the only one in the country; but it was a live, active journal. This was the *Alta California*, as it had been called since January 4, 1849. It was the direct continuation and legitimate successor of the *Star and Californian*.

The wiser heads, as well as the speculators, imagined there was a great future for the town. The most intelligent and far-

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<sup>1</sup> Hittell's *San Francisco*, 146.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 737, 738.

<sup>3</sup> *Annals of San Francisco*, 200, 207.

sighted visitors, as well as the soberest residents who were willing to invest their money on their judgments, prophesied its advance and prosperity; and the logic of facts had already demonstrated it to be the point where the commercial emporium was to be situated. But there were still men who were blind to its advantages. One of these was General Smith of the United States army, whose duty it was among other things to select a point on the bay for the head-quarters of the troops. He desired, as he said, to find a place that would combine good climate, convenience of supply and facility of movement. As for the town of San Francisco, he went on to say, it was in no way fitted for either military or commercial purposes. There was no harbor; there was a bad landing place; there was bad water; there were no supplies of provisions; there was an inclement climate; it was cut off from the rest of the country, except by a long circuit around the southern extremity of the bay, and, in time of war, enemies' troops could land on the ocean beach for many miles south of the Golden Gate and isolate it by a short line of works across the peninsula on which it stands. There were other and much more favorable points on the bay more inland, having good harbors and landings, good water, open to the whole country in the rear, accessible without difficulty to ships of the largest class; and at one of these points he proposed to establish the future depot.<sup>1</sup>

Smith was in the Mexican war; but he neither planned any important campaign nor conducted any great battle. It is therefore uncertain how he would have succeeded, if called upon to do either. But if he had attempted anything of the kind with no clearer insight than he displayed in his judgment of San Francisco, the country is to be congratulated upon the fact that he did not obtain any superior command until after the war was over. Having, as he imagined, annihilated the prospects of San Francisco, not only as a military but also as a commercial point, he the next day, April 6, 1849, took the little government steamer Edith which had arrived a couple of weeks before and ran up to Benicia, of which he spoke in terms that even Semple and Larkin its founders and owners might have blushed at. He in substance pronounced it the only point on the bay

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 717.

worthy of any consideration and even suggested that the strong arm of the national government should be stretched forth to compel the metropolis to be fixed there.<sup>1</sup> The result of these views and of this visit to Benicia was the establishment of the United States military store-houses and afterwards of the barracks and arsenal at that place.

It is doubtful whether anybody, except Smith himself, could have imagined that his disparagement of San Francisco would injure or retard its progress. Whether so or not, it could not be noticed that its advance was sensibly affected in any way. Notwithstanding the fact, which he stated to be so plain, that it was totally unfit for commercial purposes, commerce insisted upon going there and would not and could not be driven away. All the attacks upon the vigorous young giant, as yet only a sprawling cub, unlicked into shape, were as ineffective as the howls of Shakespeare's Irish wolves, baying the moon.

It is possible that Smith's prejudices and detractions were, in part at least, occasioned by the determined stand taken by the growing city against the Buchanan or administration theory of the government and that he fulminated his vain thunder as a measure of retaliation. Or it might have been that he was disgusted with the unruly and disorderly condition of affairs, which prevailed during the unpopular administration of Alcalde Leavenworth. If his purpose was retaliation, it was a weak method of meeting a question, which others were entitled to have their opinions about as well as himself; and if he was actuated by disgust at the disturbances and riotous outrages, which disgraced the municipal administration, he was in great part to blame for them himself.

In January, while at Panama on his way to California, Smith had announced his intention, upon his arrival there, of treating every one, not a citizen of the United States, who entered upon the public land and dug for gold as a trespasser and of enforcing this view, if possible, by driving all foreigners off.<sup>2</sup> This announcement encouraged, even if it did not in the first instance instigate, among the vagabonds who had gravitated from all quarters towards San Francisco, the organization of a band of

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 721, 722.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 707.

ruffians, mostly thieves, robbers and cut-throats, who came to be called and in fact called themselves "The Hounds." It professed to be an association for mutual assistance in case of sickness and protection in case of difficulty or danger; and so in truth it was; but the assistance and protection afforded were in shielding its members against arrest, prosecution and punishment for their crimes. These crimes were directed chiefly against the foreigners, whom Smith had announced his intention of driving out. For a while, in the unsettled state of affairs and the uncertainty as to whether there was any legal government or not, the hounds carried on their outrages with a high hand. They assumed a sort of military discipline; elected leaders who wore a uniform, and occasionally on Sundays paraded the streets with flags flying and drum and fife playing. Their head-quarters was a large tent near the plaza, which they called Tammany Hall. There, they would receive their orders and at night sally forth, armed chiefly with clubs and bludgeons, and make their forays upon the Chilenos and other foreigners; beating and maltreating them; tearing down their tents, and pillaging their property. In some cases they extorted large sums of money and contributions of valuable jewels as the price of exemption from their attacks, and frequently they intruded themselves in numerous gangs into eating-houses and saloons, demanding food and drink for which they would not pay; and, if refused, they would break and destroy the furniture.

The better classes of citizens, averse to brawls and street encounters, for a time avoided the rascal rout. But its violence and excesses became at length so open and audacious that no one was safe and every one felt that something must be done to put a stop to the lawlessness. There was no police organization or efficient municipal administration of any kind. Nothing therefore remained for the citizens but to take the matter into their own hands and provide the necessary remedy in their own way. A fitting occasion for their action soon occurred. On Monday, July 16—the day after one of the usual Sunday parades by the hounds or "regulators" as they then called themselves, which had closed with a riotous attack upon the Chileno quarter and the plundering and serious wounding of a large number of defenseless foreigners—the citizens rose. A public meeting was

called; and it was held on Portsmouth Square on the afternoon of the same day. It was attended by all the principal residents who could do so, and those who could not attend were in sympathy with it. William D. M. Howard presided. After opening a subscription for the relief of the wounded and pillaged foreigners, it was resolved that the citizens would organize themselves into a police force for the apprehension of the aggressors. This was immediately done; and two hundred and thirty persons enrolled themselves as special constables. They forthwith armed themselves and set about the task of arresting the criminals. Though there were some attempts at resistance, the citizens before night made very clean work of what they had undertaken to do, by arresting the ringleaders of the rioters, some twenty in number, and, in default of any other secure prison, clapping them under hatches on board the United States ship Warren.

Leavenworth, though he had tendered his resignation, was still acting as alcalde until a successor could be elected. But it was deemed proper to associate other persons with him for the trial of the hounds; and another public meeting, held for that purpose on the same day, appointed William M. Gwin and James C. Ward such associates. Horace Hawes was appointed prosecuting attorney and Hall McAllister associated with him. Twenty-four persons were chosen as a grand jury who met the next day and presented bills of indictment against Samuel Roberts, the leader of the hounds, and eighteen others for different offenses of conspiracy, riot, robbery and assault with intent to kill. On Wednesday the trials began. All the usual forms of common law procedure in criminal cases were observed. Counsel were appointed to defend the accused. A jury of twelve of the most respectable citizens was impaneled. Witnesses were called on both sides and arguments made. There was no disposition manifested to convict without sufficient proof; but at the same time there was no toleration of technicalities. When the evidence failed, the prisoners were acquitted and released; but Roberts was convicted on all the charges and eight others on various of them. Roberts and one Saunders were sentenced to ten years imprisonment at hard labor in whatever penitentiary the governor might direct; the others to

shorter periods; some were also fined, and others required to give bonds to keep the peace for a year. The main object of suppressing the hounds was accomplished, though the sentences thus pronounced could not, for various reasons and chiefly for lack of law to authorize them, be carried out; and in a short time afterwards the convicts were set at liberty. Some of them deemed it prudent to leave the country for the country's good; others attempted to repeat their lawlessness in the mines, and there met a much swifter and more efficacious justice than was measured out by the orderly proceedings of the San Francisco jury.<sup>1</sup>

The affair of the hounds having been thus ended and the community settled down again to a condition of quietude, the election of August 1 took place in a peaceable and orderly but very spirited manner. There were numerous candidates for almost all the offices except one. This was that of first alcalde, for which the only candidate was John W. Geary. On account either of supposed peculiar fitness or personal popularity or, still more likely, skill in obtaining all the nominations, he was named on all the tickets and received the total San Francisco poll of fifteen hundred and sixteen votes. Frank Turk was elected second alcalde; Horace Hawes prefect; Francisco Guerrero and Joseph R. Curtis sub-prefects, and twelve citizens councilmen. At the same time, five citizens were elected delegates, and five others supernumerary delegates, to the constitutional convention; and Peter H. Burnett was chosen from San Francisco and San Jose as one of the four judges of the superior court. Afterwards, as soon as the votes were canvassed and the result declared, Governor Riley, in accordance with the promises of his proclamation, appointed Burnett judge or minister of the superior court of the territory, and Hawes, Guerrero and Curtis prefect and sub-prefects of the district of San Francisco. He also appointed John W. Geary, the newly elected first alcalde of San Francisco, judge of the court of first instance of the district.<sup>2</sup>

There was no time lost in organizing the new ayuntamiento. At its first meeting, Geary presented his inaugural address, in which he reiterated what had been said by Bartlett and Bryant

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<sup>1</sup> *Annals of San Francisco*, 553-560.

<sup>2</sup> *Ex. Doc. 1 Ses. 31 Con. II. R. No. XVII*, 797, 808.



and so many others about the first city and about-to-be great commercial and moneyed emporium of the Pacific. Though economy in the expenditure of public money, he went on to say, was at all times desirable and necessary, yet, under the circumstances in which San Francisco was placed, without any superior body to legislate for it, the people of the city represented in their ayuntamiento would be called upon to assume a responsibility in the expenditure of money for public purposes, as well as in the enactment of laws, not usual in bodies of the kind. Of this every citizen was fully aware; and, being so aware, every one, who desired the city's prosperity and good government, would stand ready to approve and sustain everything that might be done for its permanent improvement and benefit.

There was not a dollar in the treasury: on the contrary it was to be feared that the city was greatly in debt. There was no place of office for the first magistrate, or any edifice or building for municipal purposes. There was not a single police officer or watchman; nor a prison for confining a prisoner; nor a place to shelter sick and unfortunate strangers while living, nor a spot to bury them when dead. Such things as public improvements were totally unknown. In short, there was not a single requisite for the promotion of prosperity, the protection of property or the maintenance of order. The exigency in public affairs consequently required the utmost diligence on the part of the municipal body in the performance of all their duties, and particularly in the liberal supply of funds to provide for the security of life and property. Fortunately there was no city upon earth where a tax for the support of its government could be more justly imposed. Within a short space of time, real estate, both improved and unimproved, had appreciated in many instances a thousand-fold and, even at its then high rates, was producing in the shape of rents the largest average income upon record. But, notwithstanding this unprecedented increased value of real estate, it was plain that the burdens of government should not be borne by that species of property alone: on the contrary each and every kind of property and business carried on within the district should bear its just and proper share of taxation.

He therefore, after a reference to municipal legislation in other American cities, recommended the immediate ascertainment of the amount of funds necessary for the support for one year of an efficient city government, and as soon as this should be determined the levy and collection of a just and equitable contribution—to be imposed in the form of taxes upon real estate and auction sales and licenses upon merchants, traders, shopkeepers, drays, lighters and boats used in the transportation of merchandise and passengers to and from vessels in the harbor. There was another class of business, sometimes prohibited but in many countries regulated by law, which he also recommended to be licensed and taxed. This was gambling, the passion for which was universal—even where the severest penalties were imposed to prevent its indulgence. It was a fact well known, he said, that when gaming tables were subjected to proper police regulations, they were less injurious to the interests and morals of the community than when conducted in defiance of law. In the one case, the proprietors were amenable to authority and control, whilst on the other hand, if prohibited, the evasion of the law, by such means as were usually resorted to, only increased the evil, and the community was in no way benefited.

He also recommended that, as the public documents containing muniments of title to real estate which were not found in the possession of his predecessor but were in private keeping might be more or less mutilated, a committee should be appointed to make a sworn inventory of them and a schedule of all mutilations, erasures and interlineations. And in conclusion, as the laws under which they were acting obliged every officer without regard to his station to advance with his utmost zeal the cause of education, he urged the adoption of such measures as would secure to the children of the district, whether of the high or the low, the rich or the poor, equal advantages of drinking freely at the fountain of primary knowledge; and, as education was the only safeguard of republican institutions and the liberties of the people were based upon their intelligence, he hoped that in this respect, as well as in others, California, which was soon to be made a state and ranked by the side of her elder sisters in the Union, would present herself to them and to the world as a model republic—without spot and without blemish.<sup>1</sup>

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<sup>1</sup> *Annals of San Francisco*, 229-232.

The new administration went to work vigorously and carried out all of Geary's recommendations. Taxes were imposed on real estate and upon auction sales—which had become the chief mode of carrying on wholesale business—and licenses upon other occupations including gambling, which, being thus recognized by law, became a very general occupation. Gaming tables were opened by hundreds. Every hotel and saloon had its *faro*, its *monte*, its *roulette*, its *ronda*, its *rouge-et-noire*, its *vingt-et-un*; and nearly everybody patronized them. The more stylish gambling places were fitted out, at the most lavish expense, with gorgeous furniture, French mirrors and still Frenchier pictures, blazing chandeliers, exquisite music and the most beautiful and magnificently-dressed women that nature and art between them could produce. Enormous sums were sometimes staked on the turn of a single card. Fortunes were not unfrequently lost in one night. Miners, returning from the interior with the earnings of months and the promise of comfort for the remainder of their lives, fell victims by scores and by hundreds to the allurements and temptations of the brilliant spectacles and exciting contests presented to their eyes and imaginations. Thus a large part of the honest labor of the country went to foster and pamper and swell the vice and fraud and far-reaching demoralization of this unfortunate characteristic of the infant city. The gambling proprietors, who in the very nature of things could not be fair-minded men but who, by the operation of the licensing system, acquired a certain sort of respectability, grew wealthy and influential; and a debasing tone was given to the moral atmosphere, which adhered as it were to the very stones of San Francisco long after gambling was prohibited, and broke out from time to time in forms thinly disguised under the names of charitable and benevolent lotteries, gift-entertainments and mining-stock excitements.

But, notwithstanding the evil seed thus sown and left to sprout in after years, the treasury for the time was filled; and the government was enabled to preserve order and allow the uninterrupted advance of the city in its unexampled material progress. One of the first things done was to purchase the hulk of the brig *Euphemia*, then anchored at what is now the corner of Battery and Jackson streets, and convert it into a city prison.

On August 5, a church built by the Baptists was dedicated—being the first Protestant church in California; but the Episcopalians, Presbyterians, Congregationalists and Methodists were active, preparing to build churches, and already had Sunday-schools. The Roman Catholics erected a church on Vallejo street; and a Mormon propagandist held forth in the Institute on Portsmouth Square, after the Baptist Hunt moved to his new quarters. On August 27, a new newspaper, a tri-weekly called the Pacific News, started. On September 10, at a public meeting, it was resolved to establish a Merchants' Exchange. On October 3 the ayuntamiento ordered William M. Eddy, whom it had appointed city surveyor, to extend the old O'Farrell survey north, west and south, so as to include all the land between the water front, including Telegraph, Russian and Rincon Hills, and Larkin and Eighth streets on the west and south. All the lots of the old survey had been sold and more were needed for the rapid increase of population and advance of the city. The new lots were soon afterwards put up for sale at public auction, constituting what were known as the town sales; and those remaining on hand were subsequently disposed of by the alcalde at private sale, upon authority vested in him for that purpose, at the rate of five hundred dollars for a lot in the hundred-vara survey south of Market street and two hundred dollars for a lot in the fifty-vara survey north of Market street.

About the same time that Eddy was thus set at work to extend the boundaries of the growing city, a little iron steamboat, brought out in pieces from Boston, was put together, named the Pioneer and commenced making trips up the Sacramento river. This was the first steamboat to penetrate the interior and may be called the first steamboat for inland travel in the country. In 1847, William A. Leidesdorff had purchased a very small steamboat from the Russians at Sitka, which was put on the bay; but it was shortly afterwards sunk. The business of running a steamboat with profit was then a doubtful experiment; but by this time any vessel that could outrun the slow schooners and launches on the routes up the rivers—and it ordinarily took a week or ten days to make the distance from San Francisco to Sutter's fort—was a desideratum and ~~certain~~, metaphorically speaking, to coin money. On October 9, a few weeks after the Pioneer, the little

steamboat *Mint* made its trial trip and soon after went on the regular line. On October 26, the steam propeller *McKim* started on regular trips to Sacramento—it and the *Mint* running on alternate days and charging thirty dollars cabin fare with five dollars extra for a berth, twenty dollars deck fare, and two dollars for every meal. Shortly afterwards, the steamer *Senator* took the place on the Sacramento route of the *Mint*, which was withdrawn and placed on another route. On October 25, the first political meeting was held in a bar-room and from there, on account of overflowing attendance, adjourned to Portsmouth Square. It was Democratic and intended to effect a party organization in view of the approaching elections. On October 29, Rowe's Olympic Circus opened in a large tent to a numerous patronage, which paid three dollars for admission to the pit, five dollars to the boxes and fifty-five dollars for private boxes. At the same time, two theaters had been announced and were in course of erection.<sup>1</sup>

In July, 1849, about a month after he had issued his proclamation and made the necessary arrangements for the election of August 1, and as soon as he found that the people however much opposed to his theories would acquiesce in his proceedings, Governor Riley made a visit to the mining regions. He was accompanied by Major Canby, Captain Halleck, Captain Westcott, and Lieutenant George H. Derby who was afterwards to become famous as a humorous writer under the names of "Squibb" and "John Phoenix." He went for the purpose not only of inspecting the military posts of the interior but also of learning the actual state of affairs in the mineral districts and of allaying, as far as possible, the hostile feeling, reported to exist between the Americans and the foreigners who were working in the gold placers. Passing by the way of San Juan Bautista and crossing the San Joaquin near the mouth of the Merced, he examined the principal mining camps on the Tuolumne and Stanislaus rivers and their tributaries and then those on the Calaveras, Moquelumne, Cosumnes and American rivers; and, returning by the way of Stockton, Benicia and San Francisco, he reached Monterey again on August 9, whence he wrote to the adjutant-general at Washington on August 30.<sup>2</sup>

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<sup>1</sup> *Annals of San Francisco*, 233-236; *Hittell's San Francisco*, 150.

<sup>2</sup> *Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII*, 785, 786.

The mining regions were by that time described as divided into two sections, usually known as the northern mines and the southern mines. Sutter's Fort or New Helvetia, or Sacramento as it was then called, was the interior point from which the northern mines were reached; and the new settlement of Stockton, on Mormon slough of the San Joaquin river, occupied the same position in reference to the southern mines. Both these points, which were easily accessible from San Francisco by schooner, launch or steamer, became distributing centers for their respective districts; and, as the traffic in provisions, clothing and supplies going in one direction and gold-dust coming in the other was immense, thriving towns sprang up which afterwards grew into cities. The rivers, which were naturally clear streams, had already commenced to grow turbid; but they still had deep and well-defined channels; and navigation for vessels of considerable draft was easy. The amount of sediment thrown in from pans and rockers and stirred up by operations in the bottoms of creeks and ravines was considerable; but not enough as yet to seriously interfere with river-beds or choke up the accustomed flow of their waters—as was the case a few years afterwards.

Sacramento was first laid out as a town for Sutter by Lieutenant William H. Warner in the autumn of 1848. It was laid out almost altogether around the fort; and only a street or two was projected to the river bank or embarcadero, where the main part of the city now stands. This was then a sort of swamp, covered with a dense growth of bushes and vines. Sutter contended that it was not and could not be made fit for a town on account of its liability to overflow; and he therefore had the town laid out a couple of miles back, where it never went. He afterwards had his survey extended down to higher ground on the river bank at what was to be called Suttersville, where it went still less. Warner seems to have been assisted in his survey by Lieutenants Sherman and E. O. C. Ord. They three, during the work, camped together on the bank of the American river, abreast the fort, at what was known as the "old tan-yard." Sherman was cook; Ord cleaned the dishes, and Warner looked after the horses. This arrangement, however, so far as Ord and Warner were concerned, lasted but a short time, for the reason that Ord would only wipe the tin plates with a tuft of grass

according to the custom of the country in those days, while Warner insisted on having them washed after each meal with hot water. Warner was in consequence promoted to the position of scullion; and Ord became hostler.<sup>1</sup> Warner was afterwards, in the autumn of 1849, killed by the Indians while engaged in surveying the Sierra Nevada near Goose Lake for a railroad route; Ord became in the civil war a general, and Sherman "marched through Georgia."

Stockton, which lies on what is now known as Stockton slough, formerly Mormon slough, near its junction with the San Joaquin river, was a part of the old grant called "El Campo de los Franceses" or French camp. This grant, sometimes known as the Gulnac grant, consisting altogether of eleven square leagues or over forty-eight thousand acres of land, was applied for in 1843 by William Gulnac, an American who came to the country as early as 1822 and had become naturalized in 1834. The grant was made by Governor Micheltorena in 1844. Gulnac had been induced to make the application by Charles M. Weber, an immigrant of 1841, who was interested but, not being naturalized, could not himself obtain a grant. He afterwards, however, purchased Gulnac's interest and became the sole owner. About 1847 a man named Joseph Bussell erected the first house on the present site of Stockton. It was a cabin, built of logs cut on the ground, and constituted what was in those days known as "Bussell's tavern"—a house of entertainment for travelers between Sacramento and San Jose. A neighboring house, also of logs, was soon afterwards put up by John Sirey. In 1848, after the gold discovery, when travel back and forth became frequent and particularly when it was seen that the place was the nearest point accessible for vessels from San Francisco to the southern mines, Weber had a town laid out and employed Major Richard P. Hammond to make the survey. Even at that early period, a city of tents had sprung up there; and from that time forward its advance was rapid and steady.

Marysville, another distributing point to the north of Sacramento, near the confluence of the Feather and Yuba rivers, started up about the same time or soon afterwards. The land round about—in fact the whole region for forty or fifty miles

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<sup>1</sup> Sherman's Memoirs, I, 59, 77.

above New Helvetia was claimed by Sutter. In 1842—about the time he induced Nicolaus Altgeier to settle at what afterwards was known as Nicolaus—he induced Theodor Cordua, a native of the Duchy of Mecklenburg, to settle at what afterwards became Marysville. It was Sutter's intention to call the place "New Mecklenburg;" but in 1850, it having then attained considerable importance on account of its proximity as the head of navigation on the Feather river to the mines east and north of it, and a French gentleman named Charles Covillaud having become one of the proprietors of the site, a public meeting of the residents named it Marysville in compliment to Covillaud's American wife, whose name was Mary.<sup>1</sup>

Many of the mining camps in the foot-hills of the Sierra became the nuclei of little towns. Some were destined in a year or two to be entirely abandoned, and some to advance from tents to houses and from houses to permanent municipalities. The character of the population was peculiar. It was composed almost exclusively of men—usually young, vigorous and adventurous. There was a roughness about the kind of life they were compelled to lead, the clothing they were compelled to wear and the food they were compelled to eat, which soon told upon them. There was a sort of recklessness and abandon that became common and characteristic, while at the same time helpfulness and generosity and a disposition to be accommodating were encouraged. Every one went armed; no one was willing to submit to much imposition or imagined wrong; life and limb were cheap; but at the same time there was an undercurrent of kindness which developed into a sort of chivalry of sympathy, characteristic of the so-called diggings alone. The typical miner was a large, strong, physically perfect man, with long hair and uncut beard, a slouch hat, woolen shirt, coarse pantaloons stuck inside the legs of long, heavy, hob-nailed boots and supported at the waist with a leathern belt, to which was slung, ready for instant use, a revolver and a bowie-knife.

Airs and pretensions were his abomination; and this feeling was carried so far that, though refined and respectable at heart, he set what ordinarily passes for refinement and respectability at defiance. His talk was laconic and directly to the point; but

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<sup>1</sup> Field's Reminiscences, 25.



he emphasized it with oaths. He played cards; broke the Sabbath; was always ready for a carouse and despised the very name of restraint. He exhibited the same tendency in the names which he gave, and by which various of the mining camps were popularly known. Among these were such as Whisky Bar, Brandy Gulch, Poker Flat, Seven-up Ravine, Git-up-and-git, Gospel Swamp, Gouge-eye, Ground Hog's Glory, Lousy Ravine, Puke Ravine, Blue Belly Ravine, Loafer's Retreat, Petticoat Slide, Swell-head Diggings, Nary Red, Hangtown, Shirt-tail Cañon, Red Dog, Coon Hollow, Skunk Gulch, Piety Hill and Hell's Delight. In each of these little camps or settlements the miners, as Riley found, had chosen local alcaldes, whose decisions though not always within their jurisdiction usually gave substantial satisfaction. In some instances local questions and personal differences had produced temporary excitements and difficulties; but none had led to any very serious outbreaks; and the general result was favorable to peace and good order.

There were many foreigners at work—so many in fact that certain localities were named after them, such as Sonora from the Sonorians, Chinese Camp from Chinese and so on; but Riley found that the rumors he had heard of hostilities against them were very greatly exaggerated and that, with few exceptions, everything was quiet and orderly. In some of the northern placers a few persons, urged on by demagogues, had assumed to order Mexicans and South Americans from that part of the territory; and they had been aided and abetted by English, Irish and German immigrants; but the persecuted classes had moved off to other localities, where a better class of Americans manifested a decided disposition to protect them if further molested. Instead of being injured by the foreigners, many of the Americans considered themselves very materially benefited and believed that the expulsion or prohibition of foreigners or any restriction upon their freely working and enjoying the fruits of their labor in their own way would be highly injurious to the prosperity of the country. In response to all inquiries for his opinion upon the subject of foreign miners, Riley uniformly answered that as a matter of law no persons, either Americans or foreigners, had any right to dig gold on the public lands; but that, until the national government should think proper to act

in the matter, none would be disturbed in their pursuits and that he certainly would not countenance any class of men in attempting to monopolize the working of the mines or to drive out any other class.<sup>1</sup>

But a subject of quite as much importance to the country as the mines was its agricultural lands. Riley had passed on his trip large tracts of country which seemed barren on account of want of irrigation; but much was also well adapted for cultivation. In the general scramble for gold, agricultural labor had been entirely suspended. But the enormous prices paid for breadstuffs, fruits and vegetables would soon induce many to turn their attention to the cultivation of the soil. One great drawback to the opening up of farms and the formation of agricultural settlements was the uncertainty which existed as to the validity of land titles and as to what actually constituted the public domain. While speculators on the one hand were purchasing up fraudulent and invalid titles to large tracts of the public land and selling them off in smaller parcels at unconscionable profits to those recently arrived who were ignorant of the real state of titles, many of the immigrants on the other hand, erroneously supposing the vast areas of unoccupied lands formerly belonging to and cultivated or otherwise used by the missions to be subject to the pre-emption laws, had settled upon and claimed them. He could not believe that lands, which had been under cultivation for half a century and now by operation of the secularization laws of Mexico belonged to the government as the successor to the Mexican sovereignty, could be subject to the pre-emption claims of private individuals in the same manner as the uncultivated lands of the public domain. But unfortunately there was no mode as yet provided for ascertaining the true status of these lands or the rights of the various claimants. For these reasons, and as disputes were almost daily occurring and would naturally become more and more serious, it was of great importance, he wrote, to the interests of the country and he would urge upon the government to take as speedy measures as possible for the final settlement of land titles upon principles of equity and justice, and the disposition of those portions of the

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 787-789.

mission tracts which had reverted to the government, as well as of other public lands. And for information upon this subject of land titles, he begged leave to call attention to the report of Captain Halleck, secretary of state for California, which had been forwarded to Washington in the previous April.<sup>1</sup>

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 787.

## CHAPTER X.

### LAND TITLES.

THE subject of land titles in California had now, as Riley justly observed, become a matter of paramount importance; and their speedy settlement was absolutely essential to the peace and prosperity of the country. Almost every inch of what was recognized as valuable agricultural or grazing land was claimed under some kind of a Spanish or Mexican grant; and as, by the provisions of the treaty as well as by the law of nations, all these grants that might be found valid under the Mexican laws would have to be respected, it was necessary to know what the Spanish and Mexican laws in this respect were and what had been done under them. More or less interest and inquiry as to these questions had been excited ever since the raising of the American flag; but it was not until the beginning of 1849, after the immigration from Pacific ports had begun pouring into the territory and it was known that an immense accession of population was about coming from the Atlantic states, that any definite and effective step was taken. This was an order addressed by Governor Mason to Captain Henry W. Halleck, secretary of state, to collect together and examine all the archives of the old government of California that could be found.

The California archives consisted of a great mass of documentary matter, chiefly manuscript and almost exclusively in the Spanish language, commencing so to speak in 1768 with the original instructions by Jose de Galvez for the occupation and settlement of the country and including all official papers, records, reports, dispatches, communications, letters, laws, orders, instructions and notices from that time to the American conquest. They were mostly in a very disorderly state, in large bundles or on loose sheets, and more or less scattered. Those

most particularly relating to governmental affairs and which the old Californian government itself recognized as valuable were at Monterey; but there were others of great worth at various of the other presidios or at pueblos or missions, and some at private houses and in individual keeping.

One of the first notices in reference to these public records was in a series of instructions given by Governor Felipe de Neve to his successor Pedro Fages in 1782. Even by that early time, they had already become so numerous and were so voluminous and confused that it was difficult, without great labor, to find any special paper. For this reason it was ordered that Ensign Hermenegildo Sal should arrange and index them and particularly all the royal orders, cédulas, bandos and instructions, as well those applicable to the times of Captain Rivera y Moncada as those of later date, including all orders, letters and instructions issued by the governors and the replies, and all reports and communications of the comandantes. They were then all at Monterey, the recognized capital.<sup>1</sup> The next notice of interest in regard to them was in 1826. Jose Maria de Echeandia, who had become comandante-general and governor, having found the climate of Monterey too bracing for his constitution, had fixed his chief residence at San Diego and ordered the archives to be removed from Monterey to that place. The order was given to Jose Maria Estudillo; but, after the latter had packed up the papers, Luis Antonio Arguello the comandante of Monterey refused to let them depart on the ground that Estudillo had not produced an order for them signed by the governor himself. Estudillo nevertheless started off with the packages and had proceeded several leagues, when he was overtaken by a party of soldiers sent in pursuit; and the archives were brought back. A war of words ensued, and Estudillo complained bitterly of indignities that had been offered to him personally as well as of the disobedience to the order of the governor; but Arguello persisted in retaining the documents until some more direct authority should be produced for removing them. A few weeks afterwards, however, the required order, regularly signed, made its appearance; and Arguello wrote that he would make no further opposition. In answer to Estudillo's complaint of hav-

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<sup>1</sup> Cal. Archives, P. S. P. III, 325, 326.

ing been insulted, he replied that he himself was the only one that had a right to complain, for the reason that the archives were a sacred trust in his hands and any attempt to remove them, without such authority as would relieve him from responsibility, was an insult to him.<sup>1</sup>

Echeandía was succeeded in 1830 by Victoria, who during his short administration fixed his residence at Monterey; and the archives went back to that place; and there they remained until 1845, when Pio Pico succeeded in what then and for a long time previously had appeared to be the great object of his existence—the removal of the capital to Los Angeles; and the archives followed the capital. Meanwhile in 1840, there had been a change in the method of writing official communications. Theretofore it had been usual to write on full sheets of paper. These sheets were often not a half or even a quarter filled; and, as they were filed away in the archives as received, there were many blank pages and much waste. To in some measure remedy this and save paper, an economical Mexican minister of the treasury directed that thenceforth ordinary communications should be written on half sheets. After that time, accordingly, most of the official papers were written on sheets or half sheets folded to about the size of note paper; but, as there were also many others written on full sheets, the only practicable mode of keeping the two kinds together was to open out the folded sheets and stitch them with the full sheets, thus making an arrangement similar to what would be the case if the sheets of a printed quarto book were unfolded and bound as a folio.<sup>2</sup>

Some of the official matter from Mexico, and particularly laws and proclamations and pronunciamientos and such other public papers as were committed to type, came up in printed form; but there was nothing of this kind among the documents emanating from Californian officials until Figueroa's time, when a government printing-press was set up at Monterey; and some few papers were printed. More were printed in Alvarado's time; but the disorders which occurred after Alvarado's retirement put an almost total stop to the printing department; and the press and types had a rest until the American occupation

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<sup>1</sup> Cal. Archives, D. S. P. I, 581-588.

<sup>2</sup> Cal. Archives, D. S. P. Mon. VIII, 79, 80.

when Colton and Semple, finding them thrown aside and neglected among other government litter left at Monterey at the time the capital was removed, put them to use in publishing their newspaper, the *Californian*.

In 1845, when the capital was removed to Los Angeles, Manuel Jimeno Casarin, the old secretary of the departmental assembly, was directed to arrange the archives for transportation to the new seat of government. But he objected that he was suffering too much in his health at the time to undertake the labor. The truth seems to have been that there was a disposition to resist their removal as a very bitter feeling had sprung up between the residents of Monterey and those of Los Angeles, growing out of the controversy respecting the capital. But Pico's brother Andres, then comandante-militar, proposed, if it should become necessary, to interpose with his troops;<sup>1</sup> and the result of the matter was that the archives or a large part of them went to Los Angeles, where they were at the time of the American occupation. And one of the first directions given by Pio Pico, upon hearing of the seizure of Monterey and satisfying himself that the United States intended to take possession of the entire territory, was an urgent order to Abel Stearns, the sub-prefect of Los Angeles, to save the archives.<sup>2</sup>

While Pico recognized the value of the archives, the United States officers did so no less. Every one kept his eyes open for documents and records and collected and preserved all they could lay their hands on, even though they could not read or understand them. For instance, within a day or two after the raising of the flag at Yerba Buena, Lieutenant John S. Missroon proceeded with a body of troops to the Mission Dolores and collected all the documents he could find there; carried them into town; packed and sealed them up in presence of witnesses, and deposited them in the custom-house.<sup>3</sup> So at other points, whatever records and papers could be found were collected and preserved at different places. The main bulk, which had followed the capital to Los Angeles, fell into the hands of Commodore Stockton, by whom they were sent to Monterey; but

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<sup>1</sup> Cal. Archives, D. S. P. VI, 265-268.

<sup>2</sup> Cal. Archives, D. S. P. VII, 133, 134, 265.

<sup>3</sup> Ex. Doc. 2 Ses. 30 Con. II. R. No. 1, 1021, 1022.

others, and more especially those relating to presidios, pueblos and missions, were deposited at other points. The activity and care thus exercised succeeded in preserving a large number of the public documents and amongst them many valuable and interesting papers. Alta California was in this respect much more fortunate than Lower California, where the Mulejé guerrillas in 1846 and the filibuster William Walker afterwards in 1853 used all such archives as fell into their hands, without reference to their value or importance, for making wrappers for cartridges.<sup>1</sup>

The first attempt on the part of the government to make anything like a collection or examination of the archives was the order of Governor Mason already noticed. In response to it, Halleck collected all that were at Monterey; had some translated by William E. P. Hartnell, and on March 1, 1849, presented a very full report, as the result of his examination, on the Spanish and Mexican laws and regulations respecting grants and sales of public lands, respecting mission lands, and respecting the title of lands required for fortifications, arsenals and other military structures.<sup>2</sup>

The next move on the part of government was the appointment in June, 1849, by the secretary of the interior at Washington, of William Carey Jones as confidential agent to investigate and report upon the subject of land titles in California and, for that purpose, to examine the archives at Monterey, San Francisco, San Diego or other places where they might be found and, if necessary, procure copies of documents at the city of Mexico. Jones arrived at Monterey about the middle of September. Having examined the archives there, he next visited San Jose and San Francisco and then San Diego and Los Angeles. In December, he proceeded to the city of Mexico. After a stay there of a little over two weeks, he returned to Washington and on April 10, 1850, presented his report. He directed his attention to the question of the mode of creating land titles from the first inception to the perfect grant, as practiced in California; to the status of the mission lands and whether they were vested in private proprietorship or reverted and revested in the sover-

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<sup>1</sup> Lassepas, 116, 117.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 119.



eign; to grants of islands, keys and promontories and other points of importance for public use; to alleged grants covering portions of the gold mines; to conditions, limitations and reservations contained in grants, and to surveys and occupations under the Spanish and Mexican laws. Both Halleck's and Jones' reports were elaborate and embraced copies of many documents and papers relating to the subjects discussed.

On March 3, 1851, congress passed an act to ascertain and settle private land claims in the State of California and thereby created a board consisting of three commissioners, before which persons or municipal corporations claiming lands by virtue of any right or title derived from the Spanish or Mexican government was required to present his claim with such documentary and other evidence as he relied upon; and it was made the duty of the commissioners to examine and decide upon the validity of such claims. Under the operation of this law and the examinations and searches it rendered necessary, and particularly when it was found that many pretended grants and documentary matter tending to sustain them had been forged, the importance of the archives became more and more manifest; and at length in 1858 Edwin M. Stanton was sent out by the government to collect them all together, arrange and have them bound. Stanton found many of them in the possession of the United States surveyor-general; but there were also many of them at army head-quarters at Benicia; others at Sacramento; some at San Jose; some at Monterey, and some at Los Angeles. He caused all that could be found to be brought to San Francisco; and there he went to work arranging them, as well as he could, in separate bundles and having them bound up in volumes.

The arrangement by Stanton was by no means orderly or logical. A sort of an attempt was made to keep papers relating to distinct subjects—such as missions, military affairs, provincial records, departmental state papers, custom-house documents, commissary and treasury, prefectures and juzgados—separate; but the attempt was carried out very imperfectly. One reason of this was the fact that it was deemed proper to bind all the archive matter that came from Benicia in a distinct series of volumes, and so of those that came from Sacramento, San Jose, Monterey or Los Angeles. By this plan, and on account of the

fact that during the interval between 1846 and 1858 the papers had been frequently and carelessly disturbed, they became disarranged; and so they remained; and so they were bound up. Under the old system, there were indexes of many of them which still remain; but under the present arrangement these are of little use, except to verify papers when found or to show what are missing. There are no indexes of the present arrangement; and, to obtain anything like a correct idea of what documents exist in reference to any particular subject, the inquirer is obliged to go through the entire series. Documents relating to military affairs are sometimes found in volumes relating to missions and vice versa; documents dated within a few years of the American conquest are sometimes found in volumes purporting to relate to the old province that was governed by Felipe de Neve or Diego de Borica; and very frequently a communication will be found in one volume or series and its answer in a previous volume or perhaps different series. In some few instances, one part of a document is found in one place and the other part in an entirely different volume and series.

When Stanton finished his work, the volumes, substantially bound in uniform folio size and labeled on the backs as Land Titles, Missions, Missions and Colonization, Provincial Records, Provincial State Papers, Departmental Records, Departmental State Papers, State Papers, Superior Government State Papers and so on, usually with number of volume and year or years, were deposited in the office of the United States surveyor-general for California; and there they have since remained. There are about three hundred of them, containing on an average about eight hundred pages each, mostly manuscript and in Spanish. There are a very few papers in English, French, German or Russian. As a rule, the chirography is good, sometimes excellent; but in some instances the ink is faded and in some the paper is stained, weather-worn or worm-eaten. In one or two instances, a musket-ball has gone through a number of leaves. But with all their imperfections and disarrangement, the California archives are an exceedingly interesting and valuable collection, not only as muniments of title but also as historical records, without which it would be difficult if not impossible to ascertain much about the events that occurred in the country

from the death of Junípero in 1784, or rather that of his biographer Palou some years later, down to the American conquest in 1846.

The first authority for granting lands in Alta California was contained in the viceroy Bucareli y Ursua's instructions to Fernando Rivera y Moncada, upon the occasion of appointing him comandante of the new establishments of San Diego and Monterey on August 17, 1773. The comandante was empowered to designate common lands; to convert missions into pueblos, and to grant titles to individuals in the vicinity of missions or pueblos. The first grant made under these instructions was in November, 1775. A soldier of the presidio of Monterey, named Manuel Butron, had married a baptized Indian girl of the mission of San Carlos, named Margarita; and the missionary fathers had assigned the couple a piece of ground near the mission, one hundred and forty varas square, on condition that it should be inalienable in them and their descendants, and in default of heirs should revert to the mission. The mode of the grant was a petition by Butron to Rivera y Moncada, setting forth the foregoing facts and praying for his discharge from military duty and a grant in possession of the land described. Rivera y Moncada referred the petition, for a report upon the matters of fact contained in it, to Father Junípero, who the next day wrote back that the facts were as stated; that so far as the missionaries were concerned there was no objection to making the desired grant, and that he and his associates recommended the family of Butron as the first in all the new establishments that had chosen to become permanent settlers—which circumstance had influenced them in assigning so commodious and conveniently situated a lot. Upon the consent of the missionaries being thus shown, the comandante ordered the proceedings to continue and in a few days afterwards proceeded to the mission and, in conjunction with Junípero, Corporal Hermenegildo Sal and Butron himself, measured off the ground, placed stakes at the corners, and left Butron and his wife, as he stated, in actual and legitimate possession of the property. A certificate to this effect was written out, signed and attested by the comandante and the corporal; and the record taken together, known as the expediente, constituted the title or evidence of the grant.

In the case of this earliest Spanish grant in California, there was very considerable doubt as to the formalities that were requisite. Rivera y Moncada, not having any copy of the recopilacion, in which the legal forms were given, applied to the missionaries for one; but they too had no copy. He therefore stated in his certificate the difficulty and supplicated the señor justices of his majesty, who might succeed him, to hold and esteem the possession he had thus given as legitimate and valid for all time and to consider as expressed and performed all the formalities and requisites that the law provided.<sup>1</sup> But, as there was no description by permanent landmarks and in the course of time the stakes he had placed rotted down and the witnesses died, it became impossible to locate the ground; and the grant subsequently failed for uncertainty.

The next directions for the granting of lands were contained in the instructions sent by the viceroy to Governor Felipe de Neve in June, 1777, for the foundation of the two pueblos of San Jose and Los Angeles. In 1779 Felipe de Neve, in a long series of regulations drawn up for the government of California, provided among other things for the portioning out of grounds to settlers or colonists in pueblos of gente de razon. These regulations were afterwards in October, 1781, approved by the king of Spain in a royal order and became the bases of the laws relating to grants of town lots.<sup>2</sup> In these regulations of Felipe de Neve, the right of pueblos to have four square leagues of land was recognized; and upon them and subsequent confirmations of their binding effect were principally based the claims, made after the American occupation by various pueblos or pretended pueblos, such as San Jose, Los Angeles, San Francisco and Sonoma, to have four square leagues set apart to them.

In 1786, after California became attached to what was known as the Internal Provinces, Jacobo Ugarte y Loyola, the comandante-general of that jurisdiction then residing at Chihuahua, claimed the rights of managing lands and ordering grants in California. In that year, he directed grants of four square leagues to be made to new pueblos;<sup>3</sup> and in 1789 he directed land at the mission of San Luis Obispo to be given to a retired

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<sup>1</sup> Cal. Archives, P. S. P. I, 431-439.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 119, 120, 134-139.

<sup>3</sup> Cal. Archives, M. & C. I, 809.

corporal, named Francisco Cayuelas, who had married a neophyte woman of that establishment.<sup>1</sup> This grant, however, seems to have been based upon the original instructions of the viceroy Bucareli. Subsequently in March, 1791, Pedro de Nava, the successor of Ugarte y Loyola, made a decree that the captains of presidios might distribute and grant house-lots and lands within a territory of four square leagues measured from the center of the presidio square to soldiers or citizens soliciting them for residence purposes, leaving the jurisdiction of the sale and distribution of other lands to the intendentes of the royal treasury.<sup>2</sup>

The first large Spanish grants in California appear to have been made in 1784 by Governor Pedro Fages; one to Manuel Nieto for a place called Santa Gertrudis and one to Jose Maria Verdugo for a place called San Rafael, both in what is now Los Angeles county. Santa Gertrudis altogether contained over three hundred thousand acres or about sixty-eight square leagues; San Rafael about thirty-four thousand acres or eight square leagues. The next large grants were made in or about 1795, one to Patricio Javier Pico and Miguel Pico for a place called San Jose de Gracia or Simi, containing nearly a hundred thousand acres in Santa Barbara county, and one to Jose Dario Arguello for an indefinite tract of land called El Pilar on the ocean coast between Point San Pedro and Point Año Nuevo. All these grants were afterwards confirmed to the successors of the original grantees, except the one last named which was unrepresented.<sup>3</sup>

In 1797 a controversy of long continuance arose between the pueblo of San Jose and the mission of Santa Clara as to boundaries; and from that time on to the time of secularization there was always a claim, very extensive in some cases and very indefinite in all, by the missionaries over lands covered by mission cultivation or mission cattle. On account of these claims, which seem to have had little or no foundation in law, it became customary in many cases when grants were asked for lands near missions to consult the missionaries and to consider any

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<sup>1</sup> Cal. Archives, P. S. P. XIV, 494, 495.

<sup>2</sup> Cal. Archives, M. & C. I, 850.

<sup>3</sup> See Hoffman's Reports, Appendix; and for Arguello grant, Cal. Archives, P. R. V, 150, 151.

objections they might see proper to make. But it is plain from the old instructions of Jose de Galvez, under which the original religious establishments were founded and from various authoritative decrees of the Spanish government issued afterwards, that the missions were intended to be mere temporary establishments, and that from the very beginning it was contemplated in proper time to secularize and convert them into ordinary municipalities. It was not intended that the missions or the missionaries should be the owners of lands but merely have the usufruct and administration of them until the government should think proper to otherwise order or dispose.

In 1802, a grant was made by the viceroy Marquina to Mariano Castro for a place called Las Animas or Sitio de la Brea, containing some twenty-four thousand acres in Santa Clara county. This appears to have been the only one made directly by a viceroy, except a sort of addition to it called Cañada de la Brea granted to Mariano Castro and J. Ortega by the viceroy Lizana y Beaumont in 1810. In the same year, Governor Arrillaga made a grant of upwards of sixty thousand acres called Parage de Santiago in Los Angeles county to Antonio Yorba and others, in confirmation of a previous grant imperfectly made in 1801. In 1813, a grant was made by Arrillaga to Jose Ortega and others of the place called Nuestra Señora del Refugio or Refugio rancho, consisting of six square leagues on the Santa Barbara Channel in Santa Barbara county. About 1814, a grant was made by Governor Jose Dario Arguello to Antonio Maria Lugo for some thirty thousand acres in Los Angeles county called San Antonio; and between 1817 and 1822 Governor Sola made several grants—one to Juan Jose Dominguez for over forty thousand acres called San Pedro in Los Angeles county; one to Ignacio Vallejo and others for two square leagues called Bolsa de San Cayetano in Santa Barbara county; one to Antonio Maria Castro for some four thousand acres called Vega del Rio del Pajaro in Monterey county; one to Luis Peralta for about eleven square leagues called San Antonio in Alameda county, and one to Jose Higuera for about four thousand acres called Los Tularcitos in Santa Clara county.

The foregoing were substantially all the grants in Alta California dated previous to the revolution, or what are called Span-

ish grants. Those issued subsequently were Mexican grants. Almost immediately after the independence, while Iturbide was emperor, a system of laws was adopted for colonizing the Mexican territories. This system fell, however, with the emperor; and nothing affecting California was done under it. The first effective law after the independence, usually known as the Mexican colonization law—and the one under which most of the California grants were made—was passed by the Mexican congress on August 18, 1824, afterwards limited and defined by a series of regulations passed on November 21, 1828. By these laws, the governor or political chief was authorized to make grants to empresarios or leaders of colonies, to heads of families or to private individuals. The grants to empresarios were not, however, to be valid until approved by the supreme government, nor were grants to individuals to be valid until approved by the territorial deputation or, in case of its refusal, by the supreme government. But no grants, without the previous approval of the supreme government, could be made within twenty leagues of the boundaries of a foreign power, nor within ten leagues of the sea coast. There was a reservation also of all places at any time deemed necessary for the construction of buildings for public defense or security. No one person was to be allowed to obtain more than one square league of irrigable land, four square leagues of ordinary agricultural land and six square leagues of grazing land. Nor should any one transfer his land in mortmain, or retain it if he resided out of the territory of the Mexican republic.<sup>1</sup>

After the passage of these laws, a number of grants were made; but it was not until after the secularization of the missions in 1833, which removed any claim that could be made by the missionaries to large tracts of what was considered the best land in the territory, that grants became very numerous. The so-called mission lands, having by operation of the secularization laws reverted to the public domain, were subject to grant under the colonization laws; and the later Mexican governors particularly were called upon to alienate a very large amount of the choicest ground. In 1838, the consent of the supreme government was given to make grants of islands on the coast of

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 120, 139, 140.

California; and nearly all of them were covered with grants, as well as nearly all the valleys in what in those days was the inhabited portion of the country.

So far as the pueblos were concerned, it is a matter of very great doubt whether any really existed in the true sense of the term except at San Jose, Los Angeles and Branciforte. But where there was a pueblo, it was entitled to four square leagues of land; and these lands could be disposed of by the municipal authorities. On account of these rights and privileges, almost every town that was of any size in 1846 claimed to be a pueblo; and these claims were afterwards admitted by the United States authorities in the cases of San Francisco, Sonoma, Monterey, Santa Barbara and San Diego, as well as in those of San Jose and Los Angeles, where there could be no question. Branciforte had been substantially abandoned and made no pueblo claim.

The formal mode of obtaining a grant, under the colonization laws of 1824 and 1828, was to present a petition to the governor, stating the name, age, country and vocation of the petitioner and the quantity and, as near as possible, a description of the land asked. At first it was usual to require a rude map or plan of the land, called a *diseño*, to accompany the petition; but this practice fell into disuse; and the later grants generally contained only verbal descriptions. When the petition was presented, the next step was usually a reference, made by the governor on the margin, to the prefect or some other local officer to examine and report whether the land was vacant and could be granted without injury to third persons or the public, and sometimes also to know whether the petitioner's account of himself was correct. The reply of the prefect or other local officer, called the *informe*, was written upon or attached to the petition; and the whole returned to the governor. If the *informe* was satisfactory, the governor then issued the grant in form. In some cases, where the governor himself possessed the necessary information, there was no reference and no *informe* and the grant immediately followed the petition; but the usual course was as stated.

The originals of the petition and *informe* were next filed with the secretary of the government in the archives, and with them



a copy of the grant. The original grant was then delivered to the grantee. The papers on file in the archives were attached together so as to form one document, constituting the evidence of the title, which was called the *expediente*. At first and during Figueroa's time, the grants were recorded in a book kept for that purpose; but subsequently this formality was omitted and a rude memorandum of the grant made; but the *expedientes* continued to be filed. The next and final step was the approval of the grant by the territorial deputation or, after California was erected into a department, by the departmental assembly. For this purpose, it was the governor's duty to communicate the fact of the grant to the legislative body, where it was usually referred to a committee, which reported at a subsequent session. The approval was seldom refused; but it was not infrequent for the governor to omit communicating the fact, and there was no action at all. If approved, it was customary for the secretary to deliver to the grantee, on application, a certificate of the fact; but no record or registration of approvals was kept except as contained in the written minutes of the deputation or assembly. On account of this loose method of proceeding, particularly where grantees neglected to obtain certificates, there was no evidence of approval except in the journals of the legislative body; and as many of these were lost, the evidence was lost. In the early part of 1846 the departmental assembly was known to have approved many grants; but the only evidence of them were loose memoranda, apparently made for future formal entry and referring to the grants by numbers, but never in fact formally entered.

There were no regular surveys made by the Spanish or Mexican government. The grants usually contained a direction that the grantee should receive juridical possession of the land from the proper magistrate, commonly the nearest *alcalde*, and that the boundaries of the tract should be designated by that functionary with suitable landmarks. But this injunction was generally complied with only by procuring the attendance of the magistrate to give juridical possession according to the verbal description contained in the grant. The title, however, was supposed to be complete without juridical possession.<sup>1</sup>

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<sup>1</sup> Jones' Report; *United States vs. Henry Dalton*, Appendix to Appellant's Brief, 81-83.

In some exceptional cases, attempts were made to define the limits and boundaries of a grant; but the surveying was very different from the scientific precision and accuracy practiced now. A rope or lariat, measuring fifty varas, was used by way of chain, while the pins used were long enough to be handled and placed in position from on horseback. The surveyor would set his compass and take the bearings of a hill, rock or tree at the extreme range of his vision; the word would then be given to his assistants, who would set off urging their horses in the direction indicated; and, without stopping, they would set the pins here and draw them there, until the line had been run.<sup>1</sup>

As there were thus no surveys or, under the circumstances, none that could be relied on, and the descriptions were often very vague and uncertain, it frequently became a matter of great doubt as to what land was really granted or intended to be granted. Not infrequently one grant interfered with or overlapped another. But the greatest uncertainty originated in the practice, which early became common, of granting a certain less quantity within much more extensive exterior boundaries. Under these circumstances, there was much room left for litigation, not only as to original title but also as to location; and it was not uncommon for the confirmation and final settlement of a grant to cost, including enormous counsel fees and other unavoidable expenses, almost if not quite as much as the land would sell for. As an illustration of this fact, it may be stated that, though over three hundred and twenty-six thousand acres were confirmed to three of the De la Guerra family, they were miserably poor; and so were the brothers Pio and Andres Pico, to whom over five hundred and thirty-two thousand acres were confirmed. Very few of the old Californians, notwithstanding their principalities in the shape of lands, were enriched by them.

It is impossible to tell how much land was actually granted in California previous to July 7, 1846. There were presented to the land commission eight hundred and thirteen claims, calling in the aggregate for over twelve millions of acres or nearly twenty thousand square miles. Many of these claims were however unquestionably fraudulent, and in some cases a number

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<sup>1</sup> Munro-Fraser's Sonoma, 50.

of them purported to cover the same land either in whole or in part. Portions of San Francisco, for instance, were covered by no less than five different alleged grants, every one of which was fraudulent and afterwards so adjudged. In fact nearly every one of the most valuable northern cities and towns was claimed under a fraudulent grant and justified the report made by Stanton, as the result of his examination of the archives in 1858, that there had been an organized system of fabricating land titles carried on in California and that forgery and perjury, in the making of false grants and the subornation of false witnesses to prove them, had been a regular trade and business.

Of the eight hundred and thirteen claims presented to the land commission, five hundred and fourteen were confirmed by it and the others rejected either for fraud or informality or in some few cases withdrawn. From that tribunal, there was an appeal allowed to the United States district court and from that to the United States supreme court. In nearly every case, whatever might have been the decision of the land commission, an appeal was taken; and, though the appeals from most cases of confirmation were afterwards abandoned by the government, some were prosecuted and the claims finally rejected. So in some of the cases rejected by the land commission, the claims were finally confirmed by the courts. Of this latter class there were about a hundred; so that the final account stood, six hundred and four cases confirmed, one hundred and ninety rejected, and nineteen withdrawn.

By far the largest of all these claims was a Mexican grant, which was not well attended to. It was presented in favor of the heirs of the emperor Agustin Iturbide, who claimed a tract of four hundred square leagues under a decree of the Mexican congress of April 18, 1835. The decree provided that twenty leagues square of land should be given to the widow and children of the dead emperor. On June 5, 1845, the Mexican minister of foreign relations wrote to the governor of California on the subject; stated that Salvador Iturbide, son of the emperor, was about to proceed to the territory for the purpose of locating the grant and that it should be given him of the vacant lands of the department.<sup>1</sup> Salvador started for California but

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<sup>1</sup> Cal. Archives, S. G. S. P. XVIII, 55.

when near Mazatlan found that hostilities had commenced and was obliged to return to Mexico. The claim was rejected on the ground that it had not been located before the change of government; and an appeal from the rejection was dismissed on the ground that the attorney for claimants had failed to file notice of appeal within the six months prescribed by law.<sup>1</sup>

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<sup>1</sup> *Iturbide's Executors vs. United States*, 22 Howard's U. S. Reports, 290.

## CHAPTER XI.

### THE CONSTITUTIONAL CONVENTION.

THE convention for forming a state constitution met, pursuant to Governor Riley's proclamation, at Colton Hall in Monterey on Saturday, September 1, 1849. This hall was a spacious building, constructed of stone, two stories high. It had been built by Alcalde Walter Colton as a town-hall and school-house, partly with funds raised by subscription among the citizens, partly with moneys derived from fines imposed in his court, and partly by the labor of prisoners sentenced to public work. It contained three large rooms—one of them, and the one in which the convention met, being about fifty feet long and twenty wide.<sup>1</sup> In the spring of 1849, S. H. Willey, who had been sent out as a minister by the American Home Missionary Society, opened a school of some forty or fifty pupils in it; and he seems to have labored assiduously with them; but, as they understood no English and he not a word of Spanish, there were difficulties which were by no means overcome at the end of six months when he was obliged to vacate on account of the convention, and the school closed.<sup>2</sup>

The convention met, as has been stated, on September 1, 1849. As however only ten of the thirty-seven delegates, provided for in the proclamation, were found to be present, they adjourned until the following Monday. Two days were then spent in discussing qualifications and the admission of additional members; and, after considerable controversy, it was resolved that the representation entitled to seats on the floor should be increased from San Jose, San Francisco, Sacramento and San Joaquin, which had grown rapidly since the date of the proclamation.

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<sup>1</sup> Ryan's California, I, 74, 75.

<sup>2</sup> Willey's Thirty Years in California, 30.

As finally composed, though the representation seems to have been fixed at seventy-three members, the convention consisted of forty-eight. Of these San Diego sent two, Los Angeles five, Santa Barbara one, San Luis Obispo two, Monterey six, San Jose seven, San Francisco eight, Sonoma three, Sacramento eight, and San Joaquin six. The age of the oldest delegate was fifty-three and that of the youngest twenty-five years. Twenty had come from free states, seventeen from slave states, one from Oregon, one from France, one from Scotland; and eight were natives or old residents of California. Ten were from New York, seven from Missouri, four from Louisiana, three from Maryland, two from Massachusetts, New Jersey and Virginia each. Fourteen were lawyers, about as many farmers, nine merchants, five soldiers, two printers, one doctor, and one described himself as a gentleman of elegant leisure.<sup>1</sup>

As several of the Californians neither spoke nor understood the English language, it became necessary to have an interpreter and William E. P. Hartnell was appointed to that position. On various occasions during the session, he was called upon to act as the channel of verbal communication on the floor; and, as all the reports and proceedings had to be translated into Spanish and much Spanish matter into English, he was kept very busily employed. On one occasion, as an illustration of the method of communication on the floor, William M. Gwin had stated that it was not for the native Californians that the convention was making a constitution, but for the great American population comprising four-fifths of that of the country. Jose Antonio Carrillo took this as a fling at the Californians and had the interpreter say for him that he considered himself as much an American citizen as the gentleman who made the assertion. Gwin explained that he had been misunderstood and disclaimed any disrespect to the Californians. The interpreter then translated the explanation and disclaimer; and Carrillo expressed himself as perfectly satisfied.<sup>2</sup>

The body was organized on September 4 by the election of Robert Semple president and William G. Marcy secretary. It was resolved that the clergy of Monterey should be requested

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<sup>1</sup> Debates of Constitutional Convention, by J. Ross Browne, Washington, 1850, 478, 479.

<sup>2</sup> Debates of Convention, 11, 22.

to open the convention each day with prayer; and this was accordingly done—a Protestant clergyman officiating at one time and a Catholic at another. A few words of inquiry were made as to whether any proposition for a territorial government should be entertained; but, as it was apparent that a few delegates from the extreme southern part of the country only were in favor of a territorial government, the subject was dropped; and it was resolved that the convention should proceed to form a state constitution. The next question was, how it should proceed. One delegate proposed that the convention should resolve itself into a committee of the whole and take into consideration the constitution of Iowa, as one of the latest and shortest, as the basis for a constitution for California. Others advocated the appointment of various committees to report on distinct portions of a constitution; and still others the appointment of one committee. The latter prevailed; and it was accordingly resolved that a select committee, composed of two delegates from each district, should be appointed by the president to report the plan or any portion of the plan of a state constitution for the action of the convention.

This committee, which by some of those who were not appointed on it was called the mammoth or monster committee, proceeded to work and on the day after its appointment reported a declaration of rights, consisting of sixteen sections, the first eight of which were copied from the constitution of New York and the last eight from that of Iowa. As soon as the report was made, the convention resolved itself into a committee of the whole and discussed the report, section by section. Some of the New York sections were stricken out and others from Iowa put in their places; and some verbal changes were made; but in general the sections were approved as reported. Additional sections were then offered in committee; some approved and some rejected; and on September 11, the declaration of rights, consisting of twenty-one sections and very nearly in the language as finally adopted by the convention, was approved, reported back to the convention, and laid on the table for future action.<sup>1</sup>

The most important section additional to those reported by

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<sup>1</sup> Debates of Convention, 30, 54.

the select committee was the one which provided that neither slavery nor involuntary servitude, unless for the punishment of crimes, should ever be tolerated in the state. This was moved by W. E. Shannon, a native of Ireland, last from New York, a lawyer by profession and a delegate from Sacramento. There was some discussion as to what part of the constitution the provision should appear in; but not a particle of objection was expressed by any one against the provision itself. On motion it was resolved that it should constitute a part of the declaration of rights, and, the vote recurring on the section, it was unanimously adopted. This result was not a surprise, for the reason that it was perfectly well known beforehand that the people of California would not tolerate slavery; and the question had been settled by public opinion long before the convention met. But at the same time, the southern feeling was not entirely silent. As slavery was altogether out of the question, it confined itself to an attempt to prevent the introduction of free negroes under indenture or otherwise; and a section to that effect was adopted in the committee of the whole, but it was afterwards rejected by a decisive vote of thirty-one to eight in the convention.<sup>1</sup>

A proposition was offered that death should never be inflicted as a punishment for crime; but it met with no favor. The mover maintained that the people had no right to take life and therefore they could not transfer it to the government. But he admitted that life might be properly taken in self-defense. And to cap the climax of his argument, he insisted in substance that imprisonment for life was a great deal worse than capital punishment. It is not likely that the convention would under any circumstances have considered the subject at any great length; but, when presented with such arguments, it simply listened to the mover's speech and then rejected his proposition.<sup>2</sup>

The next matter of special interest that came up was the appointment of a committee to report upon what should constitute the boundaries of the state and, as connected therewith, a proposition for a committee to report on the formation of districts and on legislative apportionment. Upon this there was

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<sup>1</sup> Debates of Convention, 44, 137, 152, 339.

<sup>2</sup> Debates of Convention, 45.



much discussion and some heat. It was asked whether anything like apportionment could be made until the number of members, of which the legislature was to consist, should be designated by the select committee which had charge of that subject. But some of the delegates insisted that a separate committee should be appointed; and, in advocating this proposition, Jones of San Joaquin made some remarks about the members of the select committee being urgent to sustain their reports and not representing the great body of the voters of the country. Tefft of San Luis Obispo replied and, referring to the remarks of the last speaker, quoted from Junius—"There are men who never aspire to hatred—who never rise above contempt." Jones demanded that the words should be taken down. Other business came to a stop. Moore of San Joaquin, the gentleman of elegant leisure, hoped his friend Jones would not require an apology; if there was any misunderstanding, let it be settled out-of-doors. He himself would not trouble the convention, if insulted, by asking an apology. But Gwin of San Francisco insisted upon the difficulty being definitely settled then and there. He had seen the bitterest hatred and most ferocious controversy spring out of a smaller matter than this. He knew the importance of settling questions of this kind before the parties were allowed to leave the house. He called the attention of Tefft to the fact that Jones expressly disclaimed any intention of impugning the motives of the select committee or any member of it; and he called the attention of Jones to the fact that Tefft expressly disclaimed applying the objectionable remarks to him, if he did not impugn the motives of the committee. He then turned to Jones and wanted to know if the withdrawal of the remarks was satisfactory to him. Jones said it was. He then turned to Tefft and wanted to know if Jones' disclaimer was satisfactory. Tefft replied in the affirmative. Gwin then moved that the reconciliation be accepted by the house, which motion was adopted; and thus the difficulty was amicably adjusted, and Gwin prevented what would otherwise very likely have led to a duel and probably bloodshed.<sup>1</sup>

The next matter of discussion was the right of suffrage. The main difficulty was as to the effect of the treaty of Guadalupe

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<sup>1</sup> Debates of Convention, 57-61.

Hidalgo. That instrument provided that Mexicans remaining in the territory, who did not declare their intention to remain Mexican citizens, were to be considered citizens of the United States. It was desirable that every Mexican citizen, thus remaining in the country, should enjoy the elective franchise; but at the same time some negroes and some Indians enjoyed the right of suffrage under the Mexican laws; and the popular sentiment of California was to exclude all such persons. It was therefore deemed proper by the majority to confine the right of suffrage, in so far as citizens of Mexico remaining in the country were concerned, to those that were white. De la Guerra of Santa Barbara was of opinion that there should in the first place be a perfect understanding as to what the true signification of the word "white" was. Many citizens of California, he said, had received from nature a very dark skin; yet they had filled the highest offices; and it would clearly be unjust to deprive them of the privileges of citizens merely because nature had not made them as white as some other persons. But if the intention was merely to exclude the negro race, the expression was satisfactory. It was answered that the intention was only to exclude the African and Indian races. With this understanding, the provisions in reference to suffrage were approved in committee of the whole very nearly in the language of the constitution as afterwards adopted, except that a proviso was subsequently added, occasioned probably by the fact that some of the first men in Mexico were of the Indian race, that the legislature might under certain conditions admit Indians or the descendants of Indians to the right of suffrage. And being thus approved, the matter was reported back to the convention and, like the declaration of rights, laid on the table for future action.<sup>1</sup>

In the course of the discussion, Botts of Monterey moved that no person living in California, who had left his family elsewhere, should be considered a resident. Halleck of Monterey wished to know if the persons referred to were not included under the head of "idiots and insane persons," provided for in the next section? Wozencraft of San Joaquin thought the mover of the proposition ought to be satisfied with his own good fortune of having a family with him and not make flings at other persons.

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<sup>1</sup> Debates of Convention, 61-76.

Sutter of Sacramento said he had lived long enough in the country to make him a resident, though his family happened to be absent. Ellis of San Francisco suggested that a provision should be added by way of amendment to the motion; and that was, that every single man should be compelled to marry within three months. With this fusillade of pop-guns, Bott's motion was effectually routed. But Price of San Francisco followed with a very important proposition to the effect that laws should be passed for the purpose of ascertaining, by proper proofs, the citizens who should be entitled to the right of suffrage. Had it been entertained, it might have prevented much fraud in the early days of the state; and the time was not far distant when it became necessary to pass such laws. But the convention rejected the proposition.<sup>1</sup>

The next article, relating to the distribution of powers, was approved without discussion; and the committee of the whole then took up the fourth article, relating to the legislative department. The first important discussion occurred on the question whether the legislature should meet annually or biennially. Semple of Sonoma had no idea that the constitution would last twenty or thirty years without alteration. The progressive changes in the country would render modification necessary. In the end, biennial sessions would be sufficient; but for a few years at least, the legislature should meet annually. It would be called upon to establish an entirely new system of legislation. As it was, there was no organized code of laws in the country and what laws there were, were unsuited to the people. Gwin objected to the expense of annual sessions. Wozencraft objected to the excessive legislation of annual sessions and proposed the appointment of a commission to frame a code of laws. Norton of San Francisco contended that the convention had no power to appoint a code commission and that, until a system was settled, annual sessions was a necessity, without regard to the question of expense. It was not likely that the people of California would say they were too poor to pay for such a government as they required. The tide set strong in favor of annual sessions; and the committee so decided.<sup>2</sup>

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<sup>1</sup> Debates of Convention, 75, 76.

<sup>2</sup> Debates of Convention, 76-82.

Most of the sections relating to the legislature were approved in committee of the whole without much discussion. But, besides that in reference to annual sessions, there were several propositions that evoked considerable contest. One of these was as to whether a bill to become a law should not receive the sanction of a majority of all the members of both houses. It was thought by some that this might be a very good regulation in an older community; but that under the peculiar circumstances of California it would for some years to come be difficult to secure the attendance of more than a majority of the members elected and that, with such a provision, legislation would be more or less hampered, if not rendered impracticable. The proposition was therefore rejected. Another proposition was, that no person who had been a collector or custodian of public money should hold a seat in the legislature or be eligible to any office of honor, trust or profit until he should have accounted for and paid into the treasury all sums for which he might have been liable. Price of San Francisco objected that an honest man might owe the State and be unable to pay on account of calamity or accident beyond his control. He thought that if a person was a defaulter in the criminal sense of the term, the fact would be known and the man marked, and that the public were the best judges of who was deserving of their respect and confidence. He was therefore opposed to the proposition. The majority of the committee, however, were of a different opinion; and the proposition was approved—though afterwards modified so as to apply only to persons convicted of embezzlement or defalcation.<sup>1</sup>

Much discussion took place in reference to the prohibition of lotteries and the sale of lottery tickets in the state. Price opposed the prohibition as impolitic. Lotteries, he said, might be made a source of great revenue; and, however objectionable the principle, it was better in some cases—and this was one of them—to legalize immoral acts and place restrictions upon them than to have them done in secret. He was opposed to lotteries and would be sorry to see them legalized; but he believed they were a necessary evil. Three hundred thousand dollars could be raised annually by licensing them; and this would be a great

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<sup>1</sup> Debates of Convention, 89-93.

relief under the embarrassing position in which the state would go into operation. The people of California were essentially a gambling people, and it was no use to endeavor to deny it. Every public house had its *faro* and its *monte* tables, licensed by law wherever there was any law. These tables were constantly crowded. Were lotteries more immoral than such establishments? Had any of the gentlemen, who cast up their hands in horror of lotteries, denounced gambling to their constituents? It might be impolitic for him to assume the position he occupied upon the subject; but he deemed it the interest of the country under present circumstances to reach out for revenue; and he knew no more satisfactory method of obtaining it without too much friction than by resorting to some such system as licensing lotteries.

Shannon thought the subject should be left to the legislature. He could not conceive that there was a greater amount of wisdom in the convention, counting all the gray hairs, than there would be in the future legislatures of the state. He did not wish to prevent those bodies from adopting such measures of general policy as they might deem expedient. Moore said he had received no instructions from his constituency as to prescribing the particular kinds of amusement at which they should pass their time, nor as to when they should go to bed or when they should get up. But he was in favor of the broad and general principles of religious freedom. On the other hand Halleck, Dimmick, Hoppe, Dent and McCarver advocated the prohibition. Halleck said that though the people might be a gambling community, it was not well to create a gambling state. Dimmick was as much in favor of religious freedom as the gentleman from San Joaquin; but he had yet to learn that permitting lotteries was religious freedom. It might perhaps be contended that gambling was a sort of liberty, as it took the largest possible liberties known in any community where religion existed; but it required a very free interpretation to bring it within the bounds of religious freedom. Hoppe admitted that revenue was a desirable thing; but the well-being of society and the permanent interests of the state were more desirable. As to the people being a gambling community—so much the worse to increase the temptation. Dent said the state should not derive

its nourishment from the destruction of its members; and McCarver said that a state that authorized lotteries and the purchasing of lottery tickets, if not a direct gambler, was certainly on the broad road to professional gambling. The prohibition was approved.<sup>1</sup>

There was much unanimity of feeling on the subject of allowing corporations, except for municipal purposes, to be formed only under general laws; of making individual corporators liable for corporation debts, and of prohibiting banks and banking privileges, except for the deposit of gold and silver; but there was considerable discussion as to the manner of expressing the general purpose. A clause allowing corporations to be formed by special act, when in the judgment of the legislature the object was not to be obtained under general laws, was stricken out; and a clause prohibiting the legislature from sanctioning the issuance of bank notes was changed to one requiring the legislature to prohibit any person or corporation from exercising the privilege of banking or creating paper to circulate as money. After these matters had been satisfactorily settled, Ord of Monterey relieved the tedium by proposing that no clergyman, priest or teacher of any religious persuasion, society or sect should be eligible to the legislature. Hastings moved to amend by adding lawyers, physicians and merchants; and Shannon asked the gentleman to be so good as to introduce miners into the list. The proposition could not survive the gauntlet of ridicule and perished under the first few blows.<sup>2</sup>

The provisions relating to the executive department were approved without much debate, though some discussion took place in reference to the qualifications of the governor. Wozencraft proposed that a governor, who had served two consecutive terms, should not be eligible for a third; but his proposition was throttled in early infancy. The provisions relating to the militia were approved without debate; those relating to state debts were amended by allowing a debt of three hundred thousand dollars instead of one hundred thousand as originally proposed; and those relating to amendments and revision of the constitution were likewise approved without debate.<sup>3</sup>

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<sup>1</sup> Debates of Convention, 90-93.

<sup>2</sup> Debates of Convention, 108-137.

<sup>3</sup> Debates of Convention, 153-167.

The next subject of discussion and contest was as to the boundaries of the new state. A special committee on the subject had reported in favor of an eastern boundary on the one hundred and sixteenth parallel of west longitude, running from the Oregon line in latitude forty-two north to the Mexican line in about latitude thirty-two. McDougal moved to amend by adopting the one hundred and fifth parallel of longitude, and, if that could not be procured, the one hundred and twentieth. Halleck proposed a substitute, but withdrew it in favor of a proposition, offered by Gwin, that the eastern boundary should be coincident with the western boundary of New Mexico, to which Halleck then offered a proviso that the legislature should by a two-thirds vote have power to consent to a restriction of the eastern boundary to the Sierra Nevada mountains and a line drawn from some point in that range to the Colorado and Gila rivers. Gwin accepted the proviso; and the proposition thus produced very soon became known as that of the new firm or partnership of Gwin and Halleck. Shannon offered a substitute in very nearly the language which was finally adopted and now constitutes the boundary description.

Gwin and Halleck maintained that the immense territory included in their proposition might be afterwards subdivided into new states; but that it was important by their present action to withdraw it from being made a bone of contention in the agitation on the slavery question. It appeared in fact, in the course of the long debate, that the administration at Washington was not averse to having the question of slavery in the territories acquired from Mexico thus settled; but on the other hand it was represented that any attempt to settle the question by extending the limits of California over so vast an area—nearly equal to all the slave-holding states put together—and particularly where almost the whole of the territory was unrepresented in the convention, would only be precipitating the difficulty sought to be avoided and could not meet with success. Many members took part in the debate. Some contended that the California of the Spaniards and Mexicans extended unquestionably as far eastward as New Mexico and included all the Salt Lake region and that the convention had been called to form a constitution for California as they found it and for noth-

ing less; while others contended that the purpose of the convention was to provide a government only for the people it represented and not for the Mormons of Salt Lake or the sterile mountains and grease-wood plains that stretched in lonely monotony between them and the Sierra Nevada. Gwin urged that the question of representation made little difference. It was well known that all the delegates in the convention south of a certain line, which strangely enough corresponded with the famous Mason and Dixon line, were opposed to a state constitution and in favor of a territorial government; yet they had to submit to the views of the majority. So of the Mormons: if they wanted to be represented, they should have asked for it, and under any circumstances they would have to submit to the majority. He had no idea that California would continue to embrace all the territory described; he did not so desire; he expected the time would come when there would be twenty states west of the Rocky mountains. But no one could be blind to the fact that there was great agitation on the slavery question; that the people of the country were preparing for a conflict, and that it was important, if possible, to allay the excitement and leave no room for bringing on trouble in reference to any part of California in the future.<sup>1</sup>

The result of the debate in the committee of the whole was an approval of the Gwin-Halleck proposition; so that, if it had finally prevailed, California might have extended as far east as Salt Lake and embraced upwards of four hundred thousand square miles of territory. But subsequently, in the convention, Hastings moved a substitute, very nearly in the language previously offered by Shannon, and it was adopted by a vote of twenty-three to twenty-one. A notice to reconsider was made and, after another debate, sustained. Another debate occurred and Hastings' substitute was rejected. Shannon moved his original proposition with the same result. McDougal offered a proposition differing very little from Shannon's; and it too was thrown out. The question recurring on the report of the committee on the whole on the Gwin-Halleck proposition, it was declared adopted by a vote of twenty-four to twenty-two.

Upon the announcement of this vote, the excitement, which

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<sup>1</sup> Debates of Convention, 123, 167-200.



had been increasing during the contest, broke forth with violence. Members jumped to their feet and great confusion ensued. McCarver moved to adjourn sine die and said mischief enough had been done. Hoppe gave notice of a protest and exclaimed that the thirty-nine thousand emigrants on their way across the Sierra Nevada would never sanction a constitution including the Mormons. Snyder shouted, "Your constitution is gone! Your constitution is gone!!" Cries of "order" arose on one side and were answered on the other by still louder cries that the constitution was lost and that it would be signed under protest. McCarver insisted on his motion. Vermeule hoped it would be put, in order to operate as a safety-valve to the excitement. Gilbert called for the yeas and nays. Cries of "Question! Question!" came from all parts of the house, when Snyder got up and said he should vote against adjournment before the business of the convention was completed. His manner as well as his words tended to bring about a better feeling. McCarver withdrew his motion; a previous resolution to adjourn sine die was rescinded; and the convention adjourned over night. The next day Jones of San Joaquin proposed a compromise, consisting of the boundary line as finally adopted, with a proviso that, if congress should refuse it, then to take in the larger territory contemplated in the Gwin-Halleck proposition. He therefore moved a reconsideration of the previous action, and it prevailed. During the discussion which ensued, Hill proposed that the line of the Colorado river from the Mexican line to latitude thirty-five and thence a line due north to Oregon should constitute the eastern boundary. On vote Jones' proposition was rejected by thirty-one to thirteen. Hill's proposition was then adopted by a vote of twenty-four to twenty-two; but almost immediately it was refused engrossment by a vote of twenty-five to twenty. Jones then moved the adoption of the first branch of his proposition, being the present boundary without any proviso; and it was carried by the decisive vote of thirty-two to seven. This settled the boundary controversy—the most vexed and exciting of the convention.<sup>1</sup>

The provisions respecting education were approved without much change or debate. But on the subject of the judiciary

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<sup>1</sup> Debates of Convention, 417-458.

there was a great deal of controversy. The committee had brought in a majority and a minority report, neither of which was satisfactory; and Ord offered a substitute. After considerable debate, it was found that no progress could be made with the subject in the shape in which it stood. Botts suggested a plan of reaching some definite result by settling certain main principles in the form of resolutions; and, as a test, he moved that the supreme court of appeals should be separate and distinct from the district courts. This, being adopted, destroyed the system recommended by the large committee; and then a select committee of three was appointed to report a new plan based upon the resolution. The next day the select committee reported the system substantially as finally adopted. De la Guerra moved that the civil appellate jurisdiction of the supreme court should be confined to cases where the matter in dispute exceeded two hundred dollars; and upon this proposition, which was finally adopted, there was a long debate. Ord moved that judges should not charge juries with respect to matters of fact but that they might state the testimony and declare the law. He stated that he took the proposition from the constitution of Tennessee. Botts moved an amendment preventing judges from making any statement at all in reference to the facts, and Ord expressed himself in favor of it; but, after debate, the amendment was rejected and Ord's original proposition approved.<sup>1</sup>

The miscellaneous provisions, as reported by the committee, were then taken up. The first controversy was as to the seat of government. The committee had recommended the section, locating the capital at San Jose until removed by a two-thirds vote of the legislature, which was finally adopted; but Halleck proposed a first session of the legislature at Monterey and Price a first session at San Francisco. McCarver was opposed to locating the seat of government anywhere; but proposed that the legislature should be left to place it at what might shortly become the center of the population. Tefft was of the same opinion; but, if any particular place was to be selected, he suggested San Luis Obispo; and, as something had been said about

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<sup>1</sup> Debates of Convention, 202-239.

offers of buildings being made by different places for the capital, he would state that there was a most beautiful old mission at that place, which was at the service of the state. Shannon said he had a proposition, which he would offer in the same spirit of compromise that had actuated the gentleman from San Francisco to propose that place; and this was that the capital should be fixed at some point in the Great Basin east of the Sierra Nevada mountains, as near the central point of the state as possible, if it was to extend as far east as Salt Lake. Semple thought Benicia preferable to San Francisco; but, if the objections against a great commercial emporium, urged against San Francisco, were applicable, the same objections might also apply to Benicia. There was a ferry-boat there already—a horse-boat it was true—but when the Benicia people should get their steam-boats in motion, there would be an astonishing advance. Shannon called for the statistics of improvements at Benicia. Semple replied that he was just coming to that part of the subject; but should reserve his remarks for another occasion. Covarrubias thought the debate was becoming very interesting, and he hoped the advantages of Santa Barbara would not be lost sight of. The vote was taken on Price's amendment in favor of a first session at San Francisco, which was rejected; and then, after further debate, Halleck's amendment was rejected, and the section as originally reported approved.<sup>1</sup>

The provisions against dueling also occasioned debate. Dent moved to strike them out and said that, if such provisions had been in the constitution of the United States, Hamilton, Randolph, Jackson, Clay and Benton would have been dropped from the roll of American statesmen. Sherwood replied that, if they had been in that constitution, Hamilton would have been saved to shine still brighter in the councils of the nation. Was it any credit to Jackson that he had killed his opponent? It was no mark of courage for one man to shoot another in a duel. It did not follow, merely because a man would fight a duel, that he was not a coward: he had known great cowards fight duels. The debate then became general. The prohibition, as originally reported, was against fighting, or sending or accepting a challenge to fight, a duel "with a citizen of this state." On motion

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<sup>1</sup> Debates of Convention, 239-246.

of Steuart the last clause was stricken out; and the section, as finally adopted, approved.<sup>1</sup>

Halleck proposed a section to the effect that lands should be taxed in proportion to their value and that the value should be appraised by officers elected in the district, county or town where the lands were situated. It was approved in committee of the whole, but afterwards in convention Gwin moved a substitute that taxation should be equal and uniform throughout the state and that all property in the state should be taxed in proportion to its value to be ascertained as directed by law. Jones moved an amendment that assessors and collectors of taxes should be elected by the qualified electors in the district, county or town in which the property taxed was situated. A long debate ensued and the result was the adoption of the substitute as amended.<sup>2</sup>

The provisions defining the separate property of a wife, and requiring the legislature to pass laws more clearly defining the rights of a wife in her separate property as well as in that held in common with her husband, gave rise to a long controversy upon the respective merits of the civil law and the common law in reference to the subject of marital rights. Botts took up the cudgels for the common law, but he found himself almost alone. Nearly every one was in favor of the most ample protection to the wife. Halleck said that he was not wedded either to the common law or to the civil law, nor as yet to a woman; but as he had hopes some day or other to wed, he should advocate the provision as reported. He did not think it was possible to offer greater inducements to women of fortune to come to California. Dimmick called attention to the fact that the provisions proposed had always been the law of the land and were therefore not an experiment; and he was warmly supported in his advocacy of them by Jones and Norton. The provisions were approved as reported.

The homestead provisions, as originally reported, limited the homestead of a family to three hundred and twenty acres of land in the country or to city or town lots not exceeding a certain value. Botts offered a proviso that, if a creditor of a

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<sup>1</sup> Debates of Convention, 246-255.

<sup>2</sup> Debates of Convention, 256, 364-376.

homestead claimant needed the money to purchase a homestead for himself, he should be entitled to recover it. Semple thought the proviso very reasonable, whereupon Tefft expressed his surprise that a gentleman of such liberal and enlightened principles, as to offer to give his horse-ferry at Benicia to the public, should entertain such views. Steuart moved to make the section substantially as it was afterwards adopted; but his motion was rejected. As the debate proceeded, several delegates expressed their regrets that they had not voted for Steuart's proposition. On motion the vote rejecting it was reconsidered; and the proposition, after being amended by Tefft so as to read in the exact words as afterwards adopted, was approved.<sup>1</sup>

Wozencraft proposed a section requiring the legislature to provide at an early day for the erection of one or more hospitals; but he was answered that there was already considerable legislation in the constitution and it might be well to leave some for the legislature. His proposition was therefore rejected. Lippitt proposed a section that no perpetuities should be allowed, which was approved. De la Guerra proposed a section that all laws requiring publication should be published in both English and Spanish. It was generally admitted that for the time being laws should be published in Spanish as well as in English; but several delegates thought the necessity of such publication was only temporary, as in a few years all the residents of the state would speak English. As the discussion proceeded, however, the objections were withdrawn; and De la Guerra's proposition was unanimously approved.<sup>2</sup>

The next question was as to the time when the constitution was to take effect; and, after much consideration, it was unanimously resolved that it should go into operation as soon as practicable after its ratification by the people. This being agreed upon, the convention proceeded to the second reading of the various sections before it, commencing with the declaration of rights. Some amendments were made and various new propositions advanced. One of these, offered by McCarver, was a resolution that, in the opinion of the convention, the public domain within the limits of the state belonged of right and justice to the people of California and its undisturbed enjoy-

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<sup>1</sup> Debates of Convention, 269-271.

<sup>2</sup> Debates of Convention, 273, 274.

ment ought to be secured to them. Another, offered by Steuart, was a resolution asking congress to give to the people of California for a series of years all the revenue to be derived from the renting, leasing or other authorized occupation of the gold placers, and recommending a license system for working the mines, the establishment of a government assay office, the prohibition of the exportation of gold-dust, and the establishment of a mint. McCarver's proposition was allowed to drop and Steuart's was rejected; but a resolution by McDougal, that in the opinion of the convention the customs collected after the treaty and before the revenue laws of the United States went into operation belonged of right to the people of California, was adopted.<sup>1</sup>

A committee had been appointed to receive propositions and designs for a state seal; but one only was offered. This was presented in the name of Caleb Lyons, though it afterward appeared that not Lyons but Robert S. Garnett was the designer. It contained the familiar figure of Minerva, with a grizzly bear feeding on a bunch of grapes, a miner engaged with rocker and pan, a view of the Sacramento river with ships on it, the peaks of the Sierra Nevada, thirty-one stars and the word "Eureka." The committee pronounced it very appropriate. Wozencraft proposed striking out the miner and the bear and substituting bags of gold and bales of merchandise. Vallejo, who had had some experience with the bear-flag in times gone by, proposed that the bear should be removed or, if it remained, that it should be represented as secured by a lasso in the hands of a vaquero. But the bear won the fight and remains untrammelled to this day.<sup>2</sup>

When the schedule came up, much discussion took place as to various of its provisions and particularly as to the time of election, the salaries of officers, and the apportionment for senators and members of assembly. These matters being adjusted, a preamble was approved; the question of boundary, which had run like a never-ending interrogation through almost the entire session, was settled; and the constitution was ready for third reading. This took place on the evening of Wednesday, October 10. The preamble and each of the first eleven articles were taken

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<sup>1</sup> Debates of Convention, 316, 317, 347, 462-465.

<sup>2</sup> Debates of Convention, 302, 304, 322, 323, 466, 467.

up, read and finally passed. On the next day, the schedule and the boundary, which had been ordered to be inserted immediately preceding the schedule, were read a third time and finally passed.<sup>1</sup>

The work of the convention was now nearly concluded; but there still remained several propositions undisposed of. One was a motion by Steuart for a committee to draft an address to the people, which was adopted. Another was an ordinance, submitted by Gwin, asking congress to grant the state a section in every quarter township of the public lands for school purposes, seventy-two sections for a university, four sections for a seat of government, five hundred thousand acres, in addition to the same amount given by the act of congress of 1841, for defraying the expenses of the state government and other state purposes, five per cent. of the net proceeds of all sales of public land in the state for the encouragement of learning, and all the salt springs and lands reserved for the use of the same, embracing at least one section including such springs, to be disposed of as the legislature might direct. This occasioned considerable discussion, but was approved. A proposition to take a census was indefinitely postponed.<sup>2</sup>

On Friday a copy of the constitution was ordered to be transmitted to Governor Riley with a request that he should forward it by the earliest opportunity to the president of the United States; and, shortly afterwards, the president of the convention announced that he had received official notice from Governor Riley that a national salute would be fired, by his order, on the signing of the instrument. On Saturday, October 13, Steuart of the committee of one from each district appointed for that purpose presented an address to the people, which was unanimously adopted and signed by all the delegates. In the afternoon, it was resolved among other things that the members of the convention, after its adjournment, should wait in a body upon Governor Riley and that Sutter should address him. The delegates then proceeded to sign the enrolled constitution, while the guns outside announced the glad tidings; and the convention adjourned sine die.

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<sup>1</sup> Debates of Convention, 380-461.

<sup>2</sup> Debates of Convention, 465-473.

## CHAPTER XII.

### ORGANIZATION OF THE STATE.

AS soon as the copy of the constitution, ordered to be transmitted to the governor, was presented to Riley, he issued a proclamation for an election. This was on October 12, the day after the instrument was completed and the day before the enrolled parchment draft was signed by the delegates. In his proclamation, Riley stated that the time and manner of voting on the constitution and of holding the first general election were clearly set forth in the schedule and that the whole subject was left to the deliberate and unbiased consideration of the people. In accordance with the request contained in the document, he directed places for holding the polls in the several districts to be designated and notice of the election to be given. Expressing a hope that the selection of officers might be wisely made and that the government might be so organized as to secure the permanent welfare and happiness of the people of the new state, he announced in conclusion that he would with pleasure, if the constitution were ratified, surrender his powers to whomsoever the people might designate as his successor.<sup>1</sup>

On the same day, the constitution and proclamation were sent to San Francisco to be printed—eight thousand copies in English and two thousand copies in Spanish. As the election was to take place on November 13, the publication was hastened; and the printed copies, as they were turned off the press, were sent forth and distributed as far as possible among the population in all parts of the territory. Riley had no doubt that it would be ratified by the almost unanimous vote of the qualified electors. It was intended, as stated in the schedule, to put the new government into operation on or soon after December 15, which

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 858, 859.



day had been fixed on for the assembling of the first legislature. There might, he said, be some legal objections to putting into operation a state government previous to its acknowledgment or approval by congress; but such objections must yield to the obvious necessities of the case; for the powers of the existing government were too limited and its organization too imperfect to provide for the wants of a country so peculiarly situated and of a population which was augmenting with such unprecedented rapidity. He had deemed it his duty to pay from the "civil funds," or moneys collected for customs previous to the extension of the revenue laws of the United States over the country, the current expenses of the convention and the salaries of officers as sanctioned by that body, which, though high and by some considered extravagant, were only in proportion to the high prices of everything in the country, including the necessities of life. In the interim, the country remained remarkably quiet; the civil officers encountered no serious difficulty in enforcing the laws; and it was hoped and believed that they would be fully able to preserve the public tranquillity until the existing government should be replaced by a more perfect organization under the constitution.<sup>1</sup> And having thus substantially completed his labors, Riley on October 24 issued a proclamation appointing Thursday, November 29, 1849, to be set apart and kept as a day of public thanksgiving and prayer.<sup>2</sup>

The existing government referred to was the old so-called *de facto* government, consisting chiefly of the body of officers holding over or chosen at the election of August 1 and professing to derive their authority from and to administer the old Mexican laws in force at the conquest of the country. These officers, not counting the governor and secretary, were the prefects, sub-prefects, *alcaldes*, justices of the peace and members of *ayuntamientos*; and the laws, under which they were supposed to hold, were the decrees of the Mexican congress, one of March 20, 1837, relating to the political organization and interior government of the departments of the Mexican republic, and the other of May 23, 1837, relating to the organization and jurisdiction of the judiciary. In July, 1849, Riley caused a translation and

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 850, 851.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 867.

digest of these laws to be published in pamphlet form and distributed; and they constituted, so far as they went, the recognized, or rather the accepted, code of laws of California up to the time of their supersession by the laws of the constitutional legislature.<sup>1</sup>

The political portion of that code provided, among other things, for a departmental legislature; but this under the Americans never went into operation. The judiciary portion provided for a superior court of four judges, having chiefly appellate jurisdiction; courts of first instance, having general original jurisdiction both civil and criminal in certain specified cases and appellate jurisdiction in others, and courts of *alcaldes* and justices of the peace, in whom was vested the remaining judicial jurisdiction and particularly that of judges of conciliation. It was a fixed principle under the Mexican law, and in fact of the civil law from which it sprang, that in all cases of controversy, that admitted of it, there should be an attempted settlement before the matter was allowed to become properly speaking the subject of a law-suit; and the *alcaldes* and justices, either by themselves or with the help of "*hombres buenos*" or arbitrators, were the ministers of conciliation.

The judges of the superior court were appointable by the governor; but Riley, in his proclamation for the election of August 1, had directed each district to vote for one with an understanding that he would appoint any competent and unobjectionable person who might be chosen by the people. At that election, accordingly, Peter H. Burnett was chosen from one district and Pacificus Ord, Lewis Dent and Jose M. Covarrubias from the others; and they were afterwards appointed by the governor; and, to complete the organization of the tribunal, Frederick Billings was appointed and commissioned fiscal or attorney-general of California. On September 4, in answer to a complaint against the *alcalde* of the "Sonoranian Camp" or what is now Sonora, Riley replied that, as the superior court was then organized and had full jurisdiction over the matter, he should decline to interfere. As a matter of fact, however, nothing or nothing of importance was ever done by the tribunal. In October Burnett and Dent resigned; and, though Kimball H.

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<sup>1</sup> Debates of Convention, Appendix.

Dimmick and Richard A. Maupin were appointed to fill the vacancies from and after November 1, yet this was so near the time when the constitutional supreme court was to be organized that the appointment was little more than an empty honor.<sup>1</sup>

The judges of the courts of first instance were also appointed officers. It was usual for the governor, however, if the first *alcalde* of a district, elected by the people, proved to be an able and acceptable person, to appoint him to fill the office of judge of first instance as well as his own office of first *alcalde*. In accordance with this custom, Riley immediately after the election appointed a number of the first *alcaldes*, who had been elected, judges of first instance and, among others, John W. Geary for the district of San Francisco.<sup>2</sup> But the business of the growing city increased so rapidly, that it was soon found necessary to create an additional court; and this was afterwards, in the early part of December, accomplished by the organization of a special court of first instance with civil jurisdiction only; and William B. Almond was by Riley appointed the judge of it.

Almond was what may be called an original character. He was a man of quick discernment and, as far as it went, clear judgment. But when he made up his mind, which he often did before he heard any evidence, nothing could change him. He had a sovereign contempt for lawyers' speeches, legal technicalities, learned opinions, and judicial precedents. He had an idea that he could see through a case at a glance and imagined that he could, with a shake of his head or a wave of his hand, solve questions which would have puzzled a Marshall or a Mansfield. At the same time he assumed, if indeed the manner was not natural to him, a rough, coarse and abrupt demeanor, indicative of low associations and unfit even for a bar-room. He would often sit in his court on an old chair tilted back, with his feet perched, higher than his head, on a small mantel over the fireplace; and in that position, with a red shirt on and sometimes employed in scraping the dirt from under his nails or paring his corns, he would dispense justice.

On one occasion, a doctor sued the captain of a ship for med-

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 807-869.

<sup>2</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 797.

ical attendance on sick sailors in the course of a voyage around Cape Horn. The plaintiff claimed five hundred dollars. The captain denied the employment; and a large number of witnesses were summoned on both sides. When the first witness was sworn, Almond, in his favorite position at the fire-place, instructed him to tell all he knew about the business in as few words and as quickly as possible, at the same time directing the attorneys not to interrupt him with questions or remarks. When the witness was through—and it did not take him long—counsel called another; but Almond remarked that it was unnecessary to pursue the inquiry any further; the witness had told a plain, straightforward story; the court understood the merits of the case, and had made up its mind. "But," said counsel, "you will at least hear us on the points of law involved?" "That would only be a waste of time, which is precious," replied the judge, "I award the plaintiff one hundred and fifty dollars. Mr. Clerk, call the next case."

It is related that on another occasion an attorney, after he had been defeated in this summary method, persisted in reading from a book which he held in his hand. Almond turned around and reminded him that the case had been decided and all further remarks were useless. "I am aware of that," answered the lawyer, "but I was simply reading a passage to show you what a fool old Blackstone was." The joke may not have been original; but it was none the less well applied. Most of the business was of admiralty cognizance over which the court had no legal jurisdiction; but this made no difference. There had, in the rush of vessels of all kinds to California, been great impositions practiced upon passengers; and there were consequently many suits and much prejudice against everybody connected with passenger vessels. Almond apparently shared the general feeling. A ship-owner or a ship-master seems to have had about as much show before him as a trimmer before Jeffreys. There can be no doubt that in many cases his heavy impositions were deserved. Whether so or not, he became a terror to shipping men; and, after a little experience, they learned to compromise disputed points with sailors and passengers, even at a sacrifice, rather than submit them to the untender mercies of the judge of first instance.<sup>1</sup>

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<sup>1</sup> *Annals of San Francisco*, 238-241.

Though the Mexican law was supposed to be in force in the country and the judges, *alcaldes* and justices of the peace to administer it, no one knew or cared anything about it or its provisions. An account has already been given, in speaking of Colton's administration as *alcalde* at Monterey, of how common law principles and common law forms almost immediately came in vogue; and this grew more and more the case as the Americans more and more predominated among the population. These common law principles and forms were not technical; there were no statutes or law-books containing them; but they were the recollections of men, called upon to act in judicial capacities, of the way in which business had been conducted and controversies settled in their old homes. They were usually the crude notions of unlearned men, who took what was called a common sense view of things and whose desire was to do right between man and man and give general satisfaction, without reference to rules of any kind.

Even lawyers well read and skillful in their profession, who were occasionally made judges or *alcaldes*, soon learned to pay little attention to technicalities and to seek the merits of cases without regard to the forms and rules, which a regularly constituted society renders indispensable. Stephen J. Field, who came to California in December, 1849, and commenced his judicial career in January, 1850, as *alcalde* of Marysville, found himself in much the same situation as the unlearned *alcaldes* scattered throughout the country—better qualified indeed to perceive and apply legal principles than they; but having little or no advantage in knowledge of Californian customs. He knew nothing about the Mexican laws and paid no attention to them. He found that, though under the Mexican system the *alcalde* had very restricted jurisdiction, he was obliged, in the anomalous condition of affairs that existed under the American occupation, to assume and exercise almost unlimited powers. As Colton had said in reference to his own office of *alcalde* at Monterey, there was not a judge in England or the United States, whose power was so absolute. He was regarded as a magistrate elected by the people for the purpose of settling disputes of all kinds that could possibly arise. The Marysville *alcalde*, therefore, like the other *alcaldes*, took jurisdiction of every case that was brought

before him. Though he knew nothing of the Mexican laws under which he was supposed to be acting, he knew that the people looked to him to preserve order; and he did his best that they should not be disappointed.

A few specimens of cases before Alcalde Field will furnish as good an idea of how justice was administered in Marysville, as those reported of Colton or Almond serve to illustrate the jurisprudence of Monterey and San Francisco. The first case tried by him was in the street. Two men came up, one of them leading a horse. He said, "Mr. Alcalde, we both claim this horse, and we want you to decide which of us is entitled to it." The newly elected alcalde turned to the man who held the horse; administered an oath, and then examined him as to when, where and of whom he got it; whether he had a bill of sale; whether the animal had any mark or brand, and in short all such questions as would naturally be asked in an endeavor to elicit the truth. He next administered an oath to the other party and subjected him to a similar course of interrogations. As soon as the examination was completed, the alcalde said the case was a plain one and at once decided that the horse belonged to the man out of possession, and then and there directed the other to give it up. "But," said the man who had lost and who held the horse, "the bridle certainly belongs to me: he does not take the bridle, does he?" "Oh no," answered the alcalde, "the bridle is another matter." Thereupon the owner of the bridle, turning to his adversary, asked, "What will you take for the horse?" "Two hundred and fifty dollars" was the instant reply. "Agreed," retorted the first, "and now, Mr. Alcalde," he continued, turning to the judge, "I want you to draw me up a bill of sale for this horse that will stick." The alcalde did so on the spot. He charged an ounce for trying the case and an ounce for drawing the bill of sale, which charges were promptly paid; and both parties went off perfectly satisfied.<sup>1</sup>

In civil cases, Field always called a jury, if it was desired by the parties; and in criminal cases, where the offense charged was of a high grade, he went through the form of summoning a grand jury and having an indictment found, and then calling a

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<sup>1</sup> Personal Reminiscences of Early Days in California by Stephen J. Field, printed for a few friends, 29, 30.

petit jury for the trial. But there was an unexpected difficulty in reference to criminals, which gave him great trouble; and this was how to punish them. The dilemma first presented itself in the case of a man, who had gone into another man's tent in the night-time and, while the latter was asleep, opened his trunk and stolen from it several pounds of gold-dust. There was no doubt about the commission of the crime; but after the prisoner had been indicted, tried and convicted, the question was what to do with him. Imposing a fine would not answer; for, if he had been discharged on a mere fine, the people would have seized and hung him. There were no prisons in the neighborhood; and it was entirely impracticable to attempt to send him to San Francisco, both on account of the expense and because the people would not have consented to his removal. Under the circumstances, but one course remained open to save the man's life and still satisfy the community; and this was to order him to be publicly flogged with fifty lashes and told, if within two years he were again found near Marysville, he should be again whipped. In accordance with this sentence, he was immediately taken out and the lash applied; and that was the last seen of him in that region. He went off and came not back.<sup>1</sup>

On another occasion, a United States soldier, stationed at a post called Camp Far West on Bear river, about fifteen miles from Marysville, was charged with larceny. A warrant for his arrest was issued by a justice of the peace of a neighboring mining camp; but the lieutenant in command refused to give him up unless a warrant were issued by the Marysville alcalde. On this representation Field issued a warrant; and the lieutenant thereupon brought the soldier to that place, where he was indicted, tried, convicted and sentenced to be publicly whipped. The officer stood by and saw the punishment inflicted. He then took his man back to camp, where, it was said, the thief received additional punishment. But before the lieutenant left Marysville he took occasion to say to the alcalde that, if at any time he should find trouble in enforcing the law, he should dispatch word to the camp and a company of troops would be sent to support him. This offer was made known throughout the town and people began to say—with what effect may be easily

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<sup>1</sup> Field's Reminiscences, 32-34.

imagined—"Why, here is an alcalde that has the troops of the United States at his back."<sup>1</sup>

Unfortunately in very many cases, and particularly in the mining camps remote among the mountains, there were no alcaldes or none who had sufficient character or could command sufficient respect to successfully resist any popular whim or prejudice that happened to be uppermost. In such places lynch-law got the ascendant—sometimes with just enough assistance from a compliant alcalde to give it color of regularity; but more usually without any attempt of interference of any kind. Among the many victims, who suffered death in this way, much the greater number doubtless deserved their fate. But there were some who were seized by unreasoning crowds and, in the haste and excitement that necessarily characterized the proceedings of such bodies, were condemned without proof and suffered without guilt.

But this condition of affairs, which was felt to be merely temporary as well in the towns as in the country, was to change as soon as an adequate government could be provided. It was in part the great and pressing need of such a change that induced the governor, on such short notice after finding that congress had failed to provide a territorial organization, to call a convention; and it was the same great and pressing need that induced the convention to order the election and fix the time for the meeting of the legislature as early as it did. In the condition of the roads in those days and at that season and, as it happened, in that exceptionally wet and stormy winter, there was barely time to get the constitution before the people of the more remote parts of the territory, when they were called upon to vote.

It was well, under the circumstances, that the constitution, notwithstanding the haste with which it had been put together, was one of the best, if not the very best, of all the thirty-one state constitutions that then existed. Though nearly every provision was copied from some other instrument, there was a rare choice and combination—making altogether a compilation of organic principles clearly and tersely expressed and admirable for the wisdom with which they were selected. There had been

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<sup>1</sup> Field's Reminiscences, 34, 35.



not wanting in the convention men of fanciful theories and impracticable notions; men of hobbies and crotchets; and some even of the most uniformly judicious minds sometimes went astray and advocated what would, if successful, have been serious errors. But the general effect was the correction of mistakes, the attrition of crudities, the elimination of objectionable propositions; and the result was a constitution, not indeed perfect in every respect, but surprisingly well adapted to the condition of the people and calculated, if fairly administered, to promote the prosperity of the commonwealth.

The election took place, in accordance with the proclamation of the governor, on November 13. As nearly everybody in the country was in favor of a state government and was satisfied with the constitution as presented, there can hardly be said to have been any issue on the subject of its ratification. There were, it is true, a large number of candidates for the principal offices and special preferences for this or that one. But party politics had as yet scarcely taken shape. Though the names of Whig and Democrat were used, they produced but a faint echo of the fierce encounters of the Atlantic states. There was consequently little or no excitement, and, as election day proved to be one of rain and storm throughout the country, a great many qualified electors did not go to the polls. Altogether only twelve thousand eight hundred and seventy-five votes were cast. Of these, twelve thousand and sixty-four were in favor of the constitution and eight hundred and eleven against it. In San Francisco, some twelve hundred ballots were rejected for informality, leaving the vote of the city two thousand and fifty-six, of which only five were against the constitution. Of the candidates for governor, Peter H. Burnett, who was declared elected, received six thousand seven hundred and sixteen votes; Winfield S. Sherwood three thousand one hundred and eighty-eight; John A. Sutter two thousand two hundred and one; John W. Geary one thousand four hundred and seventy-five, and William M. Steuart six hundred and nineteen. John McDougal was elected lieutenant-governor, and Edward Gilbert and George W. Wright representatives to congress.<sup>1</sup> At the same time, there were elected in the various districts, as apportioned

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<sup>1</sup> Journals of California Legislature, First Session, 12-14.

by the schedule of the constitution, sixteen senators and thirty-six members of assembly to constitute the first state legislature.

The schedule had also provided how the returns of the election were to be made to the prefect, sub-prefect or judge of first instance of the respective districts and by them transmitted to the secretary of state. It had also provided how they were to be canvassed and proclamation made of the result. The time limited for the canvass was December 10; and on that day it took place. Two days afterwards and three days before the meeting of the legislature, Riley issued his proclamation that it had been ascertained by official canvass that the constitution was ratified by the almost unanimous vote of the electors and that he therefore proclaimed and decreed it to be ordained and established as the constitution of the State of California.<sup>1</sup>

On Saturday, December 15, the day fixed for the meeting of the first legislature under the constitution at San Jose, there were found to be present on roll-call only six senators of the sixteen elected and only fourteen of the thirty-six members of assembly. Both houses were therefore obliged for the want of a quorum to adjourn over until the following Monday, when thirteen senators appeared and thirty-two assemblymen; and both houses were organized and the members sworn in by Kimball H. Dimmick, chief justice of the old superior court. As soon as the necessary preliminaries were completed and the houses had notified each other of their organization, official information was sent to the governor elect and to Governor Riley. On Tuesday the houses met in convention; examined the returns of the election for governor, lieutenant-governor and congressmen, and declared the result. The next day was spent in vain efforts to agree upon certain definite times for the inauguration of the governor and the election of United States senators; but on Thursday morning it was agreed that the governor should be inaugurated that afternoon at 1 o'clock, and that after the inauguration the houses should meet in joint convention and proceed with the election of United States senators.

At the hour named, on the afternoon of Thursday, December 20, the houses met again in the assembly chamber; and Burnett the governor elect, having been introduced, took and subscribed

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<sup>1</sup> Journals Cal. Leg. 1 Ses. 45.

the oath of office before Judge Dimmick and was declared governor of the State of California.<sup>1</sup> On the same day, and as soon as he was officially notified of this fact, Riley issued a final proclamation announcing that, a new executive having been elected and installed into office in accordance with the constitution of the state, he thereby resigned his powers as governor. He thanked the people for their many kind attentions and for the uniform support they had given the measures of his administration, and congratulated them upon at length having a government of their own choice and one which, under the favor of Divine Providence, would secure their prosperity and happiness and the permanent welfare of the new commonwealth. At the same time he issued military orders announcing his relinquishment of the administration of civil affairs in California to the new government and relieved Halleck from further duty as secretary of state.<sup>2</sup>

Burnett, as usual upon such occasions, made an inaugural address; and, when the senate withdrew to its own chamber and McDougal was qualified as lieutenant-governor and took his seat as president of the senate, he also made an address. It is not likely, however, that either received much attention. The absorbing subject of interest with the members was the election of United States senators, which was to take place at 5 o'clock. At that hour the houses met a third time in joint convention in the assembly chamber. Fremont, Gwin, Halleck, Thomas J. Henley, Thomas B. King, Geary and Semple were proposed as candidates. On the first ballot there were forty-six members voting; and each member, as his name was called, rose in his seat and voted viva voce for two persons. The result was twenty-nine votes for Fremont, twenty-two for Gwin, twelve for Halleck, eleven for Henley, ten for King, five for Geary, and three for Semple. Fremont, having received a majority of all the votes cast, was declared elected. On the second ballot, Gwin received twenty-two and Halleck fourteen of the forty-six votes, with no choice. On the third ballot Gwin, having received twenty-four votes to Halleck's eighteen, was declared elected; and the joint convention dissolved.<sup>3</sup>

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<sup>1</sup> Journals Cal. Leg. 1 Ses. 3-20, 575-590.

<sup>2</sup> Debates of Convention, App. XLVI; Journals Cal. Leg. 1 Ses. 45.

<sup>3</sup> Journals Cal. Leg. 1 Ses. 20-26, 589-594.

The first written communication of the new governor was a message to the senate, announcing his nomination of assemblyman William Van Voorhies as secretary of state. The nomination was confirmed; and Van Voorhies resigned his seat in the assembly. The next communication was a message to both houses in which he stated that the first question to be determined was whether the legislature should proceed at once with

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One of the first and most important things to be done was the adoption of civil and criminal codes; and he recommended the English common law defining crimes and misdemeanors, the English law of evidence, the English commercial law, the Louisiana civil code and the Louisiana code of practice, with an idea of combining the best features and omitting the objectionable features of both the civil and common law. He estimated that the current expenses of the government for the first year would be half a million of dollars and recommended the imposition of a poll tax as well as a tax upon property; and he suggested a law that no person, who, being able, refused to pay his taxes when demanded, should be permitted to maintain a civil action for a year, and not then until all arrearages were paid. He also recommended that gold-dust should be received for taxes at the usual rate of sixteen dollars per ounce troy and that the collectors should be required to go around with the assessors, so that no revenue might be lost on account of change of residence. The payment of taxes, according to value, on lands held in large tracts and producing no rents or profits should be rigidly enforced so as to oblige the owners to divide

and sell and thus encourage agriculture. As the Mexican government had never derived any revenue from California except such as was produced by a high tariff upon imports, the Californian land owners, who had never paid direct taxes, might not at first understand the justice of the system; but they would learn it in time.

It had been as truly as beautifully said, he proceeded, that a wise legislator adapted his actions to circumstances. He should take society as he found it, not as he would make it, and so shape his laws as to produce a gradual improvement, without expecting at once to reverse or overcome even the prejudices of a community. For this reason, in view of a feeling very prevalent in a large part of the community and also because he had devoted much thought to the subject and arrived at his conclusion after long and patient consideration, he was of opinion that it was a matter of the first importance to exclude free negroes from the country. In the next place, as various state officers were to be appointed by the legislature at its first session, it was advisable that such appointments should be made as soon as practicable, as well as provision for subsequent elections by the people; and, as district officers were required to be elected before local governments could be put into operation, he recommended a general election throughout the state at the earliest convenient period. A judiciary act should be passed; the state divided into counties; a system of county and town governments established; provision made for the acknowledgment and registration of deeds and the protection from forced sale of homesteads and other property as contemplated in the constitution, and arrangements perfected for the early construction of public buildings.

There was for the first legislature a vast amount of labor to perform and a great and weighty responsibility to assume. But there were present in the country the most ample and the most excellent materials out of which to construct a great community and a great state. The immigrations from the Atlantic states, of which the population in the main consisted, comprised their most energetic, enterprising and intelligent people; while the timid and the idle, who had neither the energy nor the means to get to California, had been left to remain at home. Under such

circumstances, either a brilliant destiny awaited California or the most sordid and degraded. It would be marked by strong and decided characteristics. Much would depend upon the first legislation. To confine the expenditures within due bounds, to keep the young state out of debt, to make it punctual and just in all its engagements, were some of the sure and certain means to advance and secure its prosperity. To build up a reputation that would bear the just criticism of all parties—the errors and indiscretions of its friends as well as the vindictive assaults of its enemies—was an object to be hoped and wished for; and in the efforts of the legislature to accomplish this great end, it might depend upon his cordial co-operation.<sup>1</sup>

The election of state officers by the legislature took place in joint convention on December 22. There were forty-seven members present. Richard Roman was elected treasurer by twenty-four votes on the second ballot; John S. Houston controller by twenty-nine votes on the second ballot; E. J. C. Kewen attorney-general by twenty-four votes on the first ballot; Charles J. Whiting surveyor-general by twenty-seven votes on the second ballot; S. C. Hastings chief justice of the supreme court by forty-four votes on the first ballot; Henry A. Lyons associate justice by twenty-four votes on the first ballot, and Nathaniel Bennett associate justice by twenty-seven votes on the second ballot. It will be noticed that, with the exception of the chief justice of the supreme court, no one of those elected obtained much more than a bare majority. In the case of the attorney-general, Kewen's twenty-four votes were over twenty-three cast for his antagonist Botts. When the convention dissolved, Moore of San Joaquin, who had voted for Kewen, rose and stated that he had voted under a mistake and asked to be allowed to change his vote, which would have changed the result; but he was answered that it was too late.<sup>2</sup>

The houses then went to work on legislation and continued busily and constantly engaged until their final adjournment on Monday, April 22, 1850. An attempt was made in the assembly to adjourn over the week between Christmas and New Year's but it failed.<sup>3</sup> On February 20, 1850, the houses

<sup>1</sup>g. 1 Ses. 30-41, 596-607.

<sup>2</sup> 1 Ses. 48-55, 613-621.

<sup>3</sup> 1 Ses. 623.



met in joint convention and elected a clerk of the supreme court; on March 30, after the division of the state into nine judicial districts, they elected district judges, and on April 5, after the erection of a superior court for San Francisco, they elected three judges for it.<sup>1</sup>

In general demeanor the houses were orderly and attentive, though some of the members were disposed to spend their time outside of the chambers; and it was not infrequent in both houses to be obliged to order a call and send the sergeant-at-arms after absentees. Numerous changes by resignation and the election of new members to fill vacancies took place in the course of the session. In the assembly, there were many severe contests; but they were usually conducted on strict parliamentary principles. On one occasion two members came to blows; but they were obliged to apologize to each other and to the house; and on another occasion two members used words, which might have led to blows; but the same healthy regimen restored peace and harmony.<sup>2</sup>

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<sup>1</sup> Journals Cal. Leg. 1 Sess. 173, 174, 259-265, 282-284.

<sup>2</sup> Journals Cal. Leg. 1 Sess. 783-789, 1237.

## CHAPTER XIII.

### THE WORK OF THE FIRST LEGISLATURE.

THE legislation of the first session was not only the most important, but it was among the most judicious of all that has been done in the state. There was very little of it that could be called new or original; the constitutional provisions adopted from the constitutions of other states naturally suggested the copying of the statutes by which such states had carried those provisions into effect. But there were a great many matters in which a choice had to be made or a discretion exercised; and, in all or nearly all these cases, the legislature acted with consummate good judgment.

Almost every act passed was of such indispensable necessity or of such general and satisfactory application as to become a permanent feature in the grand characteristics of the country. The object of the houses seemed to be to provide in all seriousness a system of laws that would effectively carry out the great purposes of the constitution and honestly meet the needs and requirements of the people. There was little or no legislation of a special or local character; there were few schemes having in view private or individual advantage as opposed to the general welfare; there was consequently little legislative jobbery or corruption. What contests arose were not fights over spoils, but clashings of opinions over the means of accomplishing desirable objects.

The first legislation of the session may be said to have been a series of acts defining the duties of constitutional state officers, such as those of controller, treasurer, secretary of state, attorney-general and surveyor-general, and the creation and regulation of certain other state offices, such as those of state printer and state translator. On account of the many guides and models in

reference to the constitutional offices, little difficulty was experienced; and the main provisions of the laws of 1850 in respect to them, with only slight alterations and amendments suggested from time to time, remain to this day. But in reference to the state printer and the state translator, there was more trouble and controversy, for the reason that there was involved in the administration of both these departments a greater or less expenditure of public moneys. After the creation of the office of state printer and the election of an incumbent, an impression prevailed that it would be much better as well as cheaper to have the statutes and journals printed in the eastern states than attempt to do so in California; and a project of that kind was agitated; but, after investigation and consideration, it was determined that for various reasons the public printing should be done in the state, by state officers, and under state supervision; and this, under various modifications of the laws, continued to be the practice.

The office of state translator was created for the purpose of meeting the provision of the constitution that all laws and regulations, which required publication, should be published in Spanish as well as English. The duty of the officer was to translate from English into Spanish. As the work, at least in the manner in which it was done, was easy and the pay liberal, there was much strife for the office; and several attempts had to be made and much time expended before any one of the numerous candidates could secure votes enough for an election. The general result was not satisfactory; and at the next session of the legislature the office was abolished; and the translating done by contract. In the course of a comparatively few years, as the Californians became more and more acquainted with the English language and there were fewer and fewer who ever thought of looking at the Spanish translations, the necessity of translations began to be felt to be more and more a useless burden; and in 1879, on the occasion of adopting a new constitution, the provisions requiring Spanish translations, as well as the laws allowing legal proceedings in Spanish in certain portions of the state, were entirely abrogated.

One of the next series of acts was in reference to counties and county officers. The state was divided into twenty-seven

counties, and the county seats named or provision made for designating them. The bill for that purpose originated in the senate. The committee, to whom the subject was referred, originally reported a plan for eighteen counties, twelve of which bore names similar to present counties and six of which were named respectively San Jose, Mount Diablo, Benicia, Reading, Fremont and Oro. Subsequently the committee reported a bill for twenty-five counties, changing the before proposed boundaries so as to make seven more counties, all of which bore names now used except one, which was called Coloma, and altering the previously reported names of Oro to Tuolumne, Benicia to Solano, Fremont to Yolo, and Reading to Shasta.<sup>1</sup> As finally passed, the bill, as before stated, divided the state into twenty-seven counties, with the name of San Jose altered to Santa Clara, that of Mount Diablo to Contra Costa, that of Coloma to El Dorado and adding those of Napa and Calaveras. Santa Cruz was altered to Branciforte; but, after the passage of the act, an amendatory act was passed, changing it back to Santa Cruz.<sup>2</sup>

The senate also appointed a special committee to report the derivation and definition of the various names. This committee or rather Vallejo, its chairman, made a somewhat rambling report, with an attempt to give a few scraps of historical information and, among other things, a story of how his father, while a bachelor soldier at San Luis Obispo, was unexpectedly present at the birth of a female child and obtained a promise from the parents that the infant, when old enough, should become his bride, and how fourteen years afterwards the wedding took place, one of the results of which was the gentleman who had the honor of presenting the report.

In reference to Monte Diablo, Vallejo reported that in 1806 a military expedition marched from San Francisco against a tribe of Indians called "Bolgones," who were encamped on the western base of the mountain so-called, and that in the course of a fight, which took place there, an unknown personage, decorated with ornaments of extraordinary plumage, suddenly appeared on the side of the Indians. When the battle, which resulted in

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<sup>1</sup> Journals Cal. Leg. 1 Ses. 411-421.

<sup>2</sup> Cal. Statutes, 1850, 58, 155, 262.

favor of the aborigines, was finished, the incognito departed up the mountain. The defeated soldiers, learning that the mysterious stranger made that place his home, supposed him to be an evil spirit, called by the Indians a "puy" and by them a devil: so they named the imposing height El Monte del Diablo or the devil's mountain. Whether in this way or in some other the mountain derived its name, the good people who settled near it preferred a less irreverent and profane appellation for their county; and after a struggle in the legislature, the name Monte Diablo, which had been fixed on by both houses, was altered to Contra Costa.

The name of Marin was said to have been that of a great chief of the Lecatuit and other Indians, who inhabited the region now comprised in Marin and Sonoma counties. He was said to have opposed the advance of an expedition of Spanish soldiers through the Petaluma valley about 1816 and, after a fight, to have been made prisoner. Being taken to San Francisco, he afterwards escaped, returned to his old haunts, stirred up his countrymen and maintained a wild independence, causing much trouble and harassing the troops until 1824, when he was again captured, and again taken to San Francisco. After being kept awhile, he was set at liberty and retired to the mission of San Rafael, where he died in 1834. It is not impossible that there may be some truth in this account; but it is to be observed that the name is without much doubt of Spanish or Latin origin and was not Indian. It may have been given by the missionaries to some capitanejo or prominent man among the Indians; but if so, it was not to a gentile but only to a neophyte upon baptism. Again, it is to be observed that there was not a great chief, such as described, in any part of the country. Here and there the capitanejo or head man of a rancheria had a certain sort of personal prominence; but anything like a great chief of various tribes or of a character in any respect resembling King Philip of Pokanoket was unknown among the Californian Indians. And still again, it is to be observed that, though there was an old Indian called Marin who assisted Arguello to navigate the bay of San Francisco about 1816, there is no record or mention in the California archives of the long contest he or any other of his name is thus supposed to have maintained.

Sonoma was reported to be an Indian word signifying the valley of the moon. It was said to have been applied by Father Jose Altimira, the founder of the mission of San Francisco Solano, to the chief of the Chocuyenes Indians, who afterwards adopted it as the name of the tribe. And it was added that the tribe was dependent on the great chief Marin. To accept this account, which supposes that the Sonoma Indians called their valley the valley of the moon, it is necessary to believe them poetical creatures. But as the definition rests on no better evidence than the story of the dependence of the tribe on Marin; and as the story of Marin's extensive sway must be accepted with great reservations, there may well be doubt whether the word Sonoma ever signified the valley of the moon and even whether it was an Indian word.

Napa and Yolo, however, appear to have been undoubtedly Indian names. The former designated a rancheria in the upper part of what is now Napa valley and the latter a rancheria in the tule swamps on the west side of the lower Sacramento. The names of Colusa, Shasta and Tuolumne were also rancheria names or rather derived from rancheria names, the exact original Indian pronunciation of which it was exceedingly difficult to give; so that each of the names passed through different modes of spelling until it finally settled down to the form in which the legislature made it fixed.

The French word Butte, signifying a steep hill or mount, was said to have been first applied to the isolated heights in the upper Sacramento valley by a party of Canadian hunters in the employ of the Hudson's Bay Company in 1829; and the name was given to the country then very extensive just to the north of them. Yuba was said to be the American pronunciation of the Spanish word "uva," signifying a grape. The name was appropriated from that of the river, which was said to have been called the Rio de las Uvas on account of the immense quantities of wild grapes which grew upon its banks. Others, however, thought that the name was Yuba and of Indian derivation. Sutter was so named in compliment to the founder of New Helvetia, who claimed a large tract of land in it. The other names were all Spanish and were mostly old and well known as the designations of missions, presidios or other prominent places in

the country. Mendocino was named from the cape to the north of it; Trinity from the bay or rather from the river and mountains, which were named from the bay so called. The name of Sacramento, signifying the sacrament, was said to have been first used by Gabriel Moraga, the famous Californian Indian fighter, in the course of one of his expeditions after fugitive Indians, to designate the Feather river; but was afterwards applied to the Sacramento, which he had called the Jesus Maria. San Joaquin, the supposed name of the father of the Virgin Mary, was said to have been first applied in 1813, by the same Gabriel Moraga, to a rivulet springing from the Sierra Nevada and emptying into Buena Vista Lake; and it was further said that from this rivulet the river derived its name. But it is to be observed that to accept this account, it would be necessary to suppose that Gabriel Moraga, whose expeditions were made from San Francisco, must have pursued a most extraordinary course to have found his rivulet without first seeing the main river; and it is further to be observed that in a list of Indian campaigns, preserved in the California archives, there is one mentioned as having been made to the San Joaquin river in 1796.<sup>1</sup>

The name Calaveras, signifying skulls, was said to have been given by the same Gabriel Moraga to the river so called on account of a great number of skulls which he found there—ghastly relics of a deadly battle, between the Indians of the plains and those of the mountains, over the salmon fisheries of the stream; and the name Mariposa, signifying butterfly, was said to have been applied to the river so called on account of the myriads of gorgeously colored butterflies that were found upon its banks.<sup>2</sup>

At about the same time that the legislature thus divided the state into counties and gave them names, boundaries and county seats, it also passed acts for their organization and for regulating county offices and defining the duties of their officers, such as district attorneys, treasurers, assessors, recorders, surveyors, sheriffs, clerks, coroners and constables. Provision was also made for the erection of court-houses and jails. And to put the

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<sup>1</sup> Cal. Archives, P. S. P. XX, 487.

<sup>2</sup> Journals Cal. Leg. 1 Ses. 522-537.

county governments into as speedy operation as possible, an act was passed on March 2 ordering an election for county officers in each county on the first Monday of April; and soon afterwards a general act was passed regulating elections.

The next important subject of legislation that may be noticed was in reference to the judiciary and the system of law to be adopted as the law of the land. A series of acts was passed organizing the supreme court, the various district courts, a superior court for San Francisco, courts of sessions, county courts and courts of justices of the peace. At or about the same time, an act was passed immediately superseding the courts of second instance and third instance and providing for the supersession of courts of first instance and of the offices of alcaldes, prefects, sub-prefects, regidores and syndicos as soon as the new courts and new county governments should be organized. Thus with a stroke of the pen, as it were, though provision was made for pending litigation by transferring it into the new courts, the old judicial system and the old judicial offices, as well as the old municipal offices, were swept away and forever abrogated.

But the most important part of this branch of legislation and, as was well said by the judiciary committee of the senate to whom the matter was referred, the most grave and serious duty which the legislature was called upon to perform, was the choice of the system of law which was to serve as the basis of the jurisprudence of the state. Of the two great systems, known as the common law and the civil law, the question was which was the best adapted to secure the welfare of the country and its people. The governor, who professed to have devoted much thought to the subject, had recommended as has been seen a sort of hybrid system, embracing the English common law defining crimes and misdemeanors, the English law of evidence, the English commercial law and the Louisiana civil code and code of practice. Had his recommendations been followed, the fundamental basis would have been the Roman civil law with enough of the common law engrafted on it to mar its symmetry and make the law of California probably one of the most difficult, confused and complicated in the world.

The first important move in the legislature in reference to the subject was made by John E. Brackett of Sonoma, who on Jan-



uary 26 offered a resolution in the assembly instructing the judiciary committee to report a brief and comprehensive act substantially adopting the common law. This evoked discussion not only among the members but among the people in general, and particularly the lawyers. A meeting of the members of the bar of San Francisco, of whom there were then about a hundred, resolved by a large majority in favor of the common law and sent a report of their action to the assembly, while the minority, eighteen in number, forwarded a petition to the senate for the adoption of the civil law.

While the subject, after being thus fully broached, was allowed to lie on the table in the assembly, the petition sent to the senate was referred to the judiciary committee of that body, and that committee, after a few weeks consideration, made a lengthy report by the hands of Elisha O. Crosby, its chairman, contrasting some of the main features of the two systems and pronouncing decidedly in favor of the common law. It admitted that neither system could be adopted as an entirety; but it pointed out the great fact that the common law not only made an independent being of a man at twenty-one years of age, but encouraged and fostered his independence; while the civil law held him, so to speak, in a continual state of pupillage. Again, the common law treated every man as capable of making a contract for himself and obliged him to act on his own responsibility; while the civil law treated him in the protective spirit and attempted to shield him from his want of judgment in a bargain. In fact throughout almost all its parts the one regarded the individual as an independent freeman and tended to make him such; while the other regarded him as a sort of ward to be watched and to a great extent held in leading strings. The one looked to the promotion of activity and progress; the other to quiet and repose. The one was the genius of the present and the future, full of energetic and vigorous life; the other the spirit of the past, replete with the memories of a by-gone and antiquated order of things.

The report also called attention to the fact that, though Louisiana on account of its large foreign population retained the civil law, it was the only one of all the states that had done so. Texas and Florida, both of which had been formerly civil

law countries, had rejected it and substituted the common law. Even in California itself, which was still in theory at least a civil law country, the common law had already prevailed in almost all the business that was done. Bargains were made in pursuance of its doctrines; contracts, deeds and wills were drawn in accordance with its forms; marriages were solemnized and property distributed after death under its provisions; and the courts had taken its rules to govern their proceedings and adjudications.

The report further called attention to the fact that the great body of the civil law was locked up in a foreign language or rather in a number of foreign languages, including the Latin, Italian, French, German and Spanish; that the books containing it were costly and rare; that the lawyers and judges of the state who had as a rule been educated under the common law, though having a general acquaintance with the civil law, did not possess and for a long time could not acquire an accurate and critical knowledge of its minute details, and that on every account the latter was unsatisfactory and unsuited to the character of an American people and could not be permanently established amongst them. It was therefore recommended that the English common law as received and modified in the United States or in other words the American common law should be adopted as the fundamental law of the land.<sup>1</sup>

Brackett again took the initiative on April 2 by the introduction into the assembly of an act concerning the common law which was read a first time and the next day read a second time and ordered engrossed for third reading on April 4. On that day it was read a third time and ordered amended, so as to make the common law of England so far as not repugnant to the constitution of the United States or the constitution or laws of California the rule of decision in all the courts of the state; and in that form it passed the assembly by a vote of seventeen ayes to six noes. It was sent to the senate and read a first time on April 5 and on April 12 read a second and, under a suspension of the rules, a third time and finally passed; and on April 13 it was signed by the governor and became a law. Shortly afterwards a cognate act was passed, repealing all laws in force

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<sup>1</sup> Journals Cal. Leg. 1 Ses. 459-480.

in the state except such as had been passed by the legislature, with a saving, however, that no rights acquired, contracts made or suits pending should be affected; that the laws relating to jueces del campo or judges of the plains—who were officers appointed to superintend the herding and branding of cattle—should remain until other provision should be made, and that the repeal should not affect any constitutional laws, acts of congress or treaty stipulations.

In connection with these acts, a number of other acts tending in the same direction were passed, including an act concerning crimes and punishments; an act regulating proceedings in criminal cases; a habeas corpus act; acts concerning wills, descents and distributions, the settlement of the estates of deceased persons and guardians; acts concerning conveyances, commissioners of deeds, notaries public, bills of exchange and promissory notes, a statute of frauds, and acts regulating proceedings in civil cases in the various courts, set-off, mechanics' liens, possessory actions, and forcible entry and detainer. All these were more or less distinctly founded on and intended to carry out the principles of the common law.

There were several other statutes, in part similar to the laws of other states and in part different from them, having such an important bearing on the business and social character of the people as to deserve special mention. Of the first class was an act regulating marriage, declaring it a civil contract, requiring consent of the parties, and providing that no person should join in marriage any male under the age of twenty-one or female under the age of eighteen years without the consent of his or her parent or guardian. Another was an act concerning corporations, making the most liberal provisions for associations of almost every character and inviting the aggregation of capital for the purpose of carrying on all kinds of enterprises too extensive for private undertaking. Another was an act for the relief of debtors imprisoned on civil process. Of the second class was an act concerning interest, fixing the legal rate at ten per centum per annum but allowing parties to agree in writing upon any rate they might choose and even upon compound interest if so disposed. Another act of this class, still more important and far-reaching in its effects upon the community, was the statute

of limitations, fixing the period within which actions could be commenced at about one-third the time allowed in the Atlantic states generally, but not counting the time a defendant might be absent from the state. Thus while great freedom was allowed in making contracts, they were required to be enforced promptly or were barred.

In one respect the main principles of the civil law were preferred to those of the common law. These were in reference to the relations of husband and wife to their property. Instead of the cumbrous old common law rights of dower and curtesy which were not allowed, all property acquired by either spouse after marriage, except such as might be acquired by gift, bequest, devise or descent, was made common property. Of this the husband had the management; but one-half of it or, in case of his leaving no descendants, the whole of it, upon his death, became the wife's absolutely. As the constitution had virtually gone no further than to provide that the property of a wife owned before marriage or that acquired afterwards by gift, bequest, devise or descent should be her separate property, it was to the legislature of 1850 that the people were indebted for the beneficent provisions thus enacted, which, with some additions and improvements, still prevail as the law of the land.

The next series of acts that may be noticed was in reference to taxation and revenue. It had been provided by the constitution that all property in the state should be taxed in proportion to its value, to be ascertained as directed by law; but that assessments and collections should be made by local officers elected for that purpose in the districts, counties or towns where the property was situated. These provisions the legislature attempted to carry out and in the main did so correctly, though it violated the rule thus laid down by attempting to exempt a limited amount of property belonging to literary, benevolent, charitable and scientific institutions and the personal property of widows and orphans to the extent of one thousand dollars. The error was rather on the credit than the debit side of its account. Nor can it be said that there were not crudities in the revenue system adopted. But, taken altogether, it answered for the time. In connection with the tax upon real and personal property, a poll tax was levied upon every male inhabitant

between the ages of twenty-one and fifty years, except Indians and persons specially exempted; duties were imposed upon auction sales; and license taxes for county purposes were required to be assessed upon various occupations and particularly merchants, shop-keepers, retail liquor-sellers, peddlers, showmen, brokers and clock-venders.

Another series of acts provided for pilots at the various harbors, health officers and quarantine regulations, a harbor master and port wardens at San Francisco, a state marine hospital not less than two and not more than twelve miles distant from Clark's Point in San Francisco, wrecks and wrecked property, water craft found adrift and lost money, the collection of demands against vessels and boats, and the inspection of steamboats. A number of rivers, creeks, and sloughs were declared navigable and provision made to prevent their obstruction; and at the same time an act was passed for the creation, licensing and regulating of public ferries.

Still another series of acts provided for the incorporation of cities and towns in general; and special charters were passed for the incorporation of particular places, each of which claimed to be a city. Thus there was a particular act passed not only for the city of San Francisco but also one for each of the so-called cities of Sacramento, Los Angeles, San Jose, Monterey, Santa Barbara, San Diego, Sonoma, and Benicia. Acts were also passed for the organization of the militia, for roads and highways, fences, marks and brands, weights and measures, the division of the state into senatorial and assembly districts, the publication of the laws and the regulation of official fees, and, last to be noticed, an act was passed to take the sense of the people at the next general election upon the subject of the permanent location of the state capital and seat of government.

Early in January, while the legislature was busily at work, two delegates from the Mormons of Salt Lake valley made their appearance and presented an extraordinary proposition. They stated that in the previous March the people of that region had met in convention and formed a state constitution, under which in the following May they had organized the State of Deseret. This had been done notwithstanding the fact that the population of actual residents in the valley was too small to

entitle them to admission into the Union as a state; but it was claimed that there were from fifteen to twenty thousand of their people at Kanesville in Iowa and from ten to fifteen thousand on their way from other parts of the world; and that, as all intended to make their homes in no other place than among their brethren in the Great Basin, they were to be counted as a part of the population, which would thus amount to about fifty thousand. But though the new state had been thus organized, yet in the following months of August and September it had been unanimously agreed by the people to send delegates to any convention that might be held in California with instructions to have the Salt Lake region included for the time being in any state that might be formed on the west side of the Sierra Nevada.

The Mormon delegates went on to say that unfortunately they had not been able to reach California until after the constitutional convention had concluded its labors and adjourned—thereby closing all opportunity for them to enter upon the discharge of their duties before that body. They therefore addressed themselves to the governor and through him to the legislature, asking that a new constitutional convention might be called and that for the time being one state might be formed of all the territory acquired from Mexico. At the same time they proposed that a boundary line should be agreed on to ultimately separate California and Deseret, when the latter should have acquired population enough to entitle it to admission into the Union as a state by itself. It was true that the boundaries of Deseret, as defined in its constitution, included all the territory east and south of the Sierra Nevada mountains; but it was obvious that the summit of that chain was plainly the natural boundary dividing West California from East California and that the eastern section had a right of access to the Pacific ocean, while the western section, having been left with from eight hundred to a thousand miles of coast and with several good harbors and one the finest in the world, could not and ought not to complain.

If a new convention should be called and a new state formed, embracing all the territory mentioned, the result would be a final settlement of the vexed question of slavery in the territories, which had already produced and would otherwise continue

to produce great excitement throughout the country. It was true that the constitution of Deseret, as adopted, had not excluded slavery; but the delegates would assure the people of West California that the great majority of those of the eastern section were opposed to the institution and that, in the new convention to be called, they should consider themselves instructed to vote against it. If it were objected that the people of the eastern section had formed their constitution and adopted their boundary line without consulting their neighbors of the western section, it was no more a fault than had been committed by the people of the western section. If the people of Salt Lake had set the example to the people of California in doing wrong, they would now at least set them the example in doing right; and it was therefore hoped that the proposition of a new convention and a new state would be acceded to—in which case the Deseret delegates would join the California legislature in asking congress to reject both the California and the Deseret constitutions without division or debate, and adopt in their place the new constitution to be formed. The accomplishment of the proposition, it could not be denied, would involve considerable sacrifices on the part of the people of California; but, great as these might be, they could not possibly form a tithe of those which it would impose on the people of Salt Lake. In conclusion, they begged to say that what they proposed was for the public good and the benefit of the Union; and that in all such matters the people of Salt Lake were and always would be governed by higher and nobler motives than self-interest.

Such in brief was the substance of a communication addressed by the Mormon delegates to the governor and asked to be presented, together with a copy of the constitution of the State of Deseret, to the respective houses of the legislature. But the governor, instead of immediately transmitting the papers, deemed it necessary to write a long communication on the subject—even longer than that of the delegates themselves—giving reasons in all seriousness why, in his opinion, the proposition should not be complied with. It was therefore nearly a month after he received the papers before he transmitted them with his argumentative message. The action of the houses was much more prompt. The assembly, upon receiving the proposition,

forthwith resolved not to entertain it; while the senate, with equal promptness, ordered the message and papers "most respectfully laid on the table." And there they continued to lie, without hope of resurrection.<sup>1</sup>

There were several subjects of importance which were not touched; and some in reference to which, though the objects were recognized as desirable, the houses could not agree upon terms. Of the former class were poor laws and laws relating to insolvency and divorce. As, however, there was as yet but little or no need of such legislation, it could very well be delayed a year or more. Of the latter class was a bill to exempt homesteads and other property from forced sale in certain cases, which passed the assembly but in the senate was postponed indefinitely or, as the order in fact read, "until the thirty-first of December next."<sup>2</sup> Another was a bill concerning attorneys and counselors at law, which passed the senate but was so amended in the assembly as to be unsatisfactory, and, in accordance with the report of a committee of conference from both houses, it failed to become a law.<sup>3</sup>

A bill relating to public schools was introduced into the assembly; but the committee on education reported that it would be two or three years before a school fund would come into the treasury from the liberal grants made for that purpose in the constitution; that in the meanwhile, in view of the very onerous expenses of putting the new government into operation, it was deemed impracticable for the time to tax the people for school purposes; that those persons, who had children to educate, would by private subscription and municipal regulation maintain schools throughout the state until the school fund should become large enough to establish a general system, and that, under all the circumstances, the subject should be postponed for the consideration of a future legislature. In this view the assembly concurred, and the bill was indefinitely postponed.<sup>4</sup>

A bill to suppress gambling was introduced into the assembly by Madison Walthall of Sacramento. On its third reading a parliamentary contest took place, and all after the enacting

<sup>1</sup> Journals Cal. Leg. 1 Ses. 129, 429-451, 766-771.

<sup>2</sup> Journals Cal. Leg. 1 Ses. 347, 688.

<sup>3</sup> Journals Cal. Leg. 1 Ses. 267, 388, 1169.

<sup>4</sup> Journals Cal. Leg. 1 Ses. 1223, 1239.



clause was stricken out. Amendments were subsequently offered, filling the bill up again, which it was attempted to destroy by a substitute providing for licensed gambling. This, however, was defeated; the amendments were adopted, and the bill passed the assembly. In the senate, a bill in relation to gaming, having a similar purpose, introduced by Elcan Heydenfeldt, had been defeated; and, when the assembly bill came up, it was obliged to run through a severe contest. On the last day of the session, it came up for a third reading, which was ordered; but the legislature was then ready to close its labors; and the bill failed by being left among the unfinished business.<sup>1</sup>

A legislature is sometimes, and particularly in times of unreasonable popular prejudice, entitled to great credit for what it refuses to do. In one respect, a large proportion of the Californian population in 1850 was unreasonable; and this was in their prejudices against free negroes. While there was very general unanimity against slavery for the double reason that it was unsuited to the country and population, and the country and population were unsuited to it, those who would otherwise have been in favor of slavery had an almost unutterable aversion to free negroes; and these prejudices were also largely shared in by some of the people from free states. The struggle in the constitutional convention on the subject of excluding free negroes and the difficulty of defeating a proposition of that kind will be borne in mind. The same kind of a struggle took place in the legislature. John F. Williams of Sacramento introduced into the assembly a bill directed against the immigration of free negroes, mulatto servants and slaves, which, on motion of Edmund Randolph of San Francisco, was promptly rejected. But afterwards I. S. K. Ogier of San Joaquin introduced, through the judiciary committee of the same house, a bill to prevent the immigration of free negroes and persons of color, which was passed by a vote of eighteen ayes to seven noes. When the bill reached its second reading in the senate it was, on motion of David C. Broderick, indefinitely postponed by a vote of eight to five.<sup>2</sup>

But while the prejudice against negroes was thus resisted in one quarter, it succeeded in causing a foul stain upon the legis-

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<sup>1</sup> Journals Cal. Leg. 1 Ses. 144, 267, 383, 384, 1065, 1158, 1260, 1266, 1273.

<sup>2</sup> Journals Cal. Leg. 1 Ses. 347, 729, 873, 1223, 1232.

lation of 1850 in another quarter. This was a section inserted in the act to regulate proceedings in civil cases, by the terms of which no black or mulatto person or Indian should be permitted to give evidence in any action to which a white person was a party in any court of the state. The infamy of this provision disgraced the statute book for thirteen years and constituted the one dark spot in an otherwise exceedingly brilliant record.

In the slang phrase of the day the legislature of 1850 was called "The legislature of a thousand drinks." Whatever truth there may have been in the designation, it is certain that no legislature has ever sat in the state that did more work, more important work, or better work. If anything is to be said about the drinking of such a body, it ought to be something similar to the answer attributed to Lincoln about Grant. In the dark days of the civil war, when Grant was making one of those obstinate sieges that upheld the credit and honor of the Union arms, it was complained that he drank too much whisky. Lincoln replied that it was "fighting whisky" and expressed a wish that other generals would drink freely of the same kind.

## CHAPTER XIV

### ADMISSION INTO THE UNION.

**W**HILE the State was thus organizing and, out of the heterogeneous materials brought together from all sides, developing and establishing a homogeneous system of institutions and polity, the question of admission into the Union—entitling it to its proportional share in the national government and to equal rights and privileges with the older states—was still unsettled. Everything indicated that there would be a desperate struggle. The question between freedom and slavery had already convulsed the whole country. Slavery felt that the balance of power, which it had hitherto wielded, was passing away. It had hoped in the acquisition of new territory from Mexico to extend its area. But, as soon as the question of establishing territorial governments over the acquisition came up for determination, the irrepressible conflict was renewed; and, as nothing could be agreed on, nothing could be done.

The last congress of President Polk's administration adjourned as has been seen, after a night of disorder on the morning of March 4, 1849, without providing a territorial government or passing any act affecting California except affording certain mail facilities and extending over the country the revenue laws of the United States. The question of slavery was left wholly open. But enough had been said and enough done to convince every far-seeing man that there was an impending crisis, which could not be avoided or very long delayed, and that it was likely to be terrible in its violence.

President Taylor was inaugurated on March 5; and with him commenced a new administration, opposed in politics to that which had just gone out of office. Though slavery had not been made one of the controversial issues of the campaign that

had resulted in Taylor's election, yet the whig party by which he was elevated to the presidency was known to be opposed to slavery extension and to contain in it the germ of the new party, which was to fight the battle of freedom—whether that battle was to be confined to warfare in the halls of congress or end in strife upon the field.

Looking back, it may seem plain, in the light of subsequent events, that a deadly encounter was not to be escaped. But in those early years of the conflict, it was thought that it might be so guided and restrained as not to array the two great sections in arms against each other or involve the whole country in bloodshed. It was thought that, if the people of the new territory should settle the question of slavery or no slavery for themselves, the people throughout the Union in general would acquiesce and that, though there might be a parliamentary combat over the result whichever way it might go, it would in the end be accepted as a final settlement. The new administration entertained views of this kind and from its very commencement endeavored, if not directly and distinctly to order, at least to invite and encourage action on the part of the territories themselves, having this great purpose in contemplation.

On April 3, 1849, less than a month after assuming office, the Taylor administration, without interfering with the so-called de facto government of California or with the military governor who had been appointed by the previous administration to conduct its civil affairs, commissioned Thomas Butler King, a member of congress from Georgia, as special agent for the purpose of conveying important instructions and dispatches nominally to the naval and military commanders in California but in fact to the people of the territory. King was to assure them of the determination of the president, in so far as his constitutional power extended, to omit nothing that might tend to promote and secure their peace and happiness. He was fully possessed of the views of the president and was authorized to suggest to the people the adoption of measures calculated to give these views effect. But it was to be distinctly understood that these measures were to originate solely with the people themselves and that, with this understanding, the executive of the United States would protect and defend them in the formation

of any government, republican in its character, thereafter to be submitted to congress, which might be the result of their deliberate choice. The civil laws of Mexico were to be recognized as remaining in force until superseded by others enacted by lawful authority. Information was to be collected as to the population, productions and resources of the country; the extent and character of grants of land made by Mexico prior to the treaty. the quantity and condition of the public domain, and particularly of those portions containing valuable mineral deposits, and the general fitness and capacity of the territory for the great purposes of agriculture, commerce and manufactures. Allusion was also made, in the instructions given to King, of the possibility of an attempt to alienate a portion of the territory or to establish an independent government within its limits. Though the existence of such a project was not credited, yet, if any thing of the kind should be detected, immediate notice was to be transmitted to Washington so that proper measures for the protection of the interests of the United States might be promptly adopted. And in the execution of his instructions, he was authorized to confer with the military and naval commanders, who were directed to assist him in the accomplishment of the objects of his mission; and like directions were given to James Collier, who had just been appointed collector of the customs at San Francisco.<sup>1</sup>

King arrived in San Francisco on June 4; but by that time the people of California had already fully determined to call a convention to form a constitution; and meeting after meeting had been held, and resolution after resolution adopted, with that end in view. On the very day in fact preceding King's arrival, Governor Riley had issued his proclamation apportioning the representation of the territory and fixing the times and places for the election of delegates and the meeting of the constitutional convention. Under the circumstances, King found the object of his mission very thoroughly accomplished by the people themselves; and there was little or nothing for him to do except throw himself into the favorable current and, if not help it along, be helped along by it. He attended meetings; made speeches, and in general advocated what the people were

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 1, 9-11, 12.

already determined on. Unfortunately, in the course of a few months, he was attacked by a serious illness; and for a time his life was despaired of. But with the aid of his physician or perhaps of that greater physician than all others, the fresh air of the Pacific, he recovered—though not in time to attend the organization of the convention.<sup>1</sup> He was however heard from in that body as one of the advocates of extending the boundaries of California so as to include Salt Lake. Semple the president, while speaking in committee of the whole in favor of that proposition, quoted him as saying: "For God's sake, leave us no territory to legislate upon in congress." This called Botts of Monterey to his feet; and for a brief space of time the spirit and mission and purposes of Thomas Butler King were the target of a rattling fusillade from Botts and Shannon.<sup>2</sup> On November 13, when Collier the new collector, after a long and tedious journey by the southern overland route, arrived at San Francisco with instructions to aid King in his mission, he found him a candidate for the United States senate and, as he supposed, with some prospect of an election. So far had the current carried him.<sup>3</sup>

On December 3, 1849, the thirty-first congress, the first under the new administration, met at Washington. It took nearly three weeks to elect a speaker of the house of representatives and organize. President Taylor then presented his first and as it proved his only annual message. In speaking of California, he said that its people, impelled by the necessities of their political condition, had met in convention; that according to the latest advices they had probably formed a constitution and state government, and that there was reason to believe they would shortly apply for admission into the Union as a sovereign state. If such should be the case, and the constitution adopted by them should be conformable with the requirements of the constitution of the United States, he recommended their proposed application to favorable consideration. By awaiting the action of the people themselves, who might be expected to lay the foundations and organize the powers of their government upon such principles as seemed to them most likely to effect their happi-

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 744, 954, 955.

<sup>2</sup> Debates of Convention, 184, 191.

<sup>3</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 25.

ness and safety, all uneasiness would be avoided, and confidence and kind feeling preserved. To maintain harmony and tranquillity, it was necessary to abstain from the introduction of those exciting topics of sectional character, which had hitherto produced such painful apprehensions in the public mind; and he repeated the solemn warning of Washington against furnishing ground for characterizing parties by geographical discriminations. He notified congress that a collector of customs had been appointed for the port of San Francisco and advised that the collections of revenue, that had been made under military authority, should be expended within the territory. He also said that arrangements had been made for determining sites for light-houses upon the coast; and, in view of the great mineral wealth of California and its advantages of position with reference to the commerce of the Pacific, he recommended reconnoissances of routes for a transcontinental railroad.

On December 31, the house of representatives adopted a resolution requesting the president to communicate what had been done by the government in reference to California and New Mexico since the last session of congress; particularly whether any agent had been sent thither with instructions to aid, preside over or be present at any assembly of persons called a convention, or to aid, control, advise, direct or in any manner participate in the deliberations of that body, and in general what directions had been given and what correspondence had taken place in reference to the subject. On January 21, 1850, the president presented a special message in answer to the inquiry, setting forth all that he had done. He stated that he had not hesitated to express to the people of those territories his desire that they should, if prepared to comply with the requisitions of the constitution of the United States, form a state constitution and submit the same to congress with a prayer for admission into the Union. But he had not anticipated, suggested or authorized the establishment of any such government without the assent of congress, nor authorized any government agent or officer to interfere with or exercise any influence or control over the election of delegates, or over any convention in making or modifying their domestic institutions or any of the provisions of their proposed constitution. On the contrary the instructions

given were, and it was distinctly understood, that any plan of government and any measures of domestic policy they might adopt should be the result of their own deliberate choice and originate with themselves, without the interference of the executive. And he added that he had been actuated principally by an earnest desire to afford to the wisdom and patriotism of congress the opportunity of preventing occasions of bitter and angry dissension among the people of the United States.<sup>1</sup>

But notwithstanding the president's desire and advice, it soon became evident, if it was not already manifest, that there was going to be a violent contest over the question of admission, especially in the senate. There were at that time, as has been stated, thirty states composing the Union, half of which were free and half of which were slave states. Each of these states being represented by two senators, the representation was equally divided. If a new free state should be admitted without a corresponding slave state, it would make the representation from the free states preponderate in that body, as it already preponderated in the house of representatives; and hence the desperate opposition of the pro-slavery south to the admission of California as a free state.

Henry Clay of Kentucky, for the purpose of effecting an accommodation if possible, on January 19 brought forward a series of compromise measures in the form of resolutions. By the first, he proposed that California should be admitted with suitable boundaries and without any restriction as to the introduction or exclusion of slavery; by another, that territorial governments should be established for all the remainder of the territory acquired from Mexico without any condition of any kind on the subject of slavery; by another, that it was inexpedient to abolish slavery in the District of Columbia while it existed in Maryland, without the consent of the people of the District and of Maryland and without compensation to be made to the owners of slaves; by others, that, while the slave trade should be prohibited in the District of Columbia, congress had no power to prohibit it between the states, and that more effectual provision should be made by law for the restitution and delivery of fugitive slaves.<sup>2</sup>

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<sup>1</sup> Ex. Doc. 1 Ses. 31 Con. H. R. No. XVII, 1, 2, 5, 6.

<sup>2</sup> Congressional Globe, XXI, 246.



The debate which followed upon the introduction of these propositions was long and interesting. Foote of Mississippi expressed a willingness that all of California north of the parallel of thirty-six degrees thirty minutes, or what was known as the Missouri compromise line, should be admitted as a free state, provided an additional slave state should be carved out of Texas so as to preserve the equality of representation. His colleague, Jefferson Davis, expressed a determination never to accept less than the Missouri compromise line extended to the Pacific ocean, with a distinct recognition of the right to hold slaves in and to take slaves to the territory south of that line at the option of the owner. Clay replied that, though coming as he did from a slave state, it was his solemn, deliberate and well-matured determination that no power, no earthly power, should compel him to vote for the positive introduction of slavery either south or north of that line. If the citizens of California and New Mexico chose to establish slavery, he was for admitting them with such provisions in their constitutions. But if they did, it would be their own work and not that of congress; and their posterity would have to reproach them and not congress for forming constitutions allowing the institution of slavery to exist amongst them.

About the time the debate on Clay's compromise measures commenced, Fremont and Gwin the senators and Wright and Gilbert the representatives, elected to represent California in congress, arrived at Washington with certified copies of the newly adopted constitution. On February 13, President Taylor, by special message, announced their presence; transmitted the constitution they had brought, and apprised congress of the formal application of the new state for admission. On a motion in the senate to refer the message to the committee on territories, John C. Calhoun of South Carolina, rousing himself from a mortal sickness, made his last great oratorical effort. Rising slowly and with pain in his seat, he said he was unable, on account of his physical weakness, to deliver personally what he had to say; and, turning around to James M. Mason of Virginia, he asked him to read the speech which he had prepared in writing. It was a masterly production in all the arts that go to make up a chaste and finished oration; but, like Calhoun's arguments in general, it was based upon fundamental fallacies.

He was opposed to the admission of California as a state and argued that it should be remanded back to the condition of a territory. He said that Tennessee had been treated in that way upon its original application for admission, though the irregularities in its proceedings, which induced that course, could not compare with those of California. Warming, as his argument proceeded, he claimed that those individuals in California, who had assumed to form a state constitution without first receiving instructions from congress to do so, had usurped the sovereignty of a state and acted in open defiance of the authority of congress. What they had done he pronounced revolutionary and rebellious in its character and anarchical in its tendency. If General Riley had, as was said, ordered the election of delegates and his order was, as it was understood to be, without authority, he ought to be tried and punished and his acts disavowed. But as neither had been done and no steps made towards either, it was to be presumed that his acts were approved by the government.

It might be, he continued, that California would not submit to be remanded back to the condition of a territory. It might be that the so-called state, as it had organized without authority, would refuse to obey authority. This was possible; but it was not probable; and it would be time, when it refused, to decide what was to be done. But, if it were admitted into the Union under the circumstances which existed, it would be equivalent to excluding the south from the territories acquired from Mexico and it would manifest an intention of destroying irretrievably the equilibrium between the two sections of the nation.<sup>1</sup>

Daniel Webster of Massachusetts spoke on Clay's resolutions, but in fact answered Calhoun. He had always been opposed to the acquisition of more territory. He believed in the Spartan maxim: Improve, adorn what you have; seek no further. He had therefore opposed the annexation of Texas. But Texas had been annexed and at the same time a solemn compact had been entered into in reference to slavery—not by him but by the representatives of the nation—and he was in favor of living up to it. If new states were to be carved out of Texas, they were in accord-

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<sup>1</sup> Con. Globe, XXI, 451-455.

ance with that compact, to be slave states, and he would vote for them. But so far as California and the territory acquired from Mexico were concerned, slavery was excluded from them by the law of nature. It was true that the south in battling for them had contemplated the extension of slave territory. But it had battled in vain. The soil, the climate, everything connected with the territory was unsuited to slave labor. It was therefore useless, if a territorial government were to be provided for any of such territory, to insert a prohibition against slavery. He for one would not vote for such a prohibition. He would not take the pains to re-affirm an ordinance of nature or re-enact the will of God.

He had heard the south complain and he had heard the north complain. Both were partly in the right and both were largely in the wrong. So far as the restitution of fugitives from service was a part of the constitution, recognized by the law of the land, it should be enforced—fairly, squarely and rigidly enforced; but so far as the exclusion of slavery from the new territories was concerned or the loss of what was called the equiponderance of representation, the south had no right to complain. The south itself had recognized the evils of slavery. It had struggled to rid itself of the incubus and contemplated a period, in the process of time, when it could free itself. It had, in its denunciations of slavery, used language more violent than the denunciations even of the abolitionists. It had given its territory northwest of the Ohio and unanimously devoted it to freedom. Of late years, indeed, its language had changed; but the facts were patent; and there was no compact and no understanding and no obligation to extend the area of slavery any further than it already existed.

He had heard a talk about secession—peaceable secession. Peaceable secession?—it was impossible! As well talk of the planets withdrawing from the solar system without a convulsion of all nature, as talk about peaceable secession. The Union, which it had been so hard to form, which had linked together the destinies of all parts of the country, which had made a great nation because it was a united nation with a common name and a common flag and a common patriotism, which had conferred upon the south no less than upon the north such inestimable and

unspeakable blessings, was not to be rent and torn asunder by peaceable secession. There might be violence; there might be revolution; the great dead, who had fought and struggled for the Union, might be disturbed in their graves. All this was possible. Secession might conspire even over the bones of Jackson. But it would not be peaceable secession. The Union was one; it was an integer; it was a completed whole; it was bounded, like the buckler of Achilles, on either side by the circumambient ocean. It might be broken; but it could not be divided or separated by peaceable secession.<sup>1</sup>

Such in substance were the views and positions of the three great statesmen and orators of the day. Others, who were coming forward in the course of time to fill their places, also took part in the debate. Of these William H. Seward of New York was the most prominent. He was for admitting California unconditionally and at once. To him California, coming from the clime where the west dies away into the rising east; California, which bounded the empire and the continent; California, the youthful queen of the Pacific, in robes of freedom gorgeously inlaid with gold, was doubly welcome. The new state had manifested the proper spirit and was justified for all the irregularities of its method of coming. It was not improper for the executive to recommend the people of California to relieve themselves and him from the exercise of military authority; nor was it improper that the people did as they had done. The acquiescence and consent of congress should therefore be granted then and there and without hesitation. If not then granted, it might never be granted. California might not abide delay. He would not say that it contemplated independence; because he knew it did not anticipate rejection. But either the stars and stripes must wave over its ports, or it must raise aloft a standard for itself. It would be no mean ambition, if it became necessary for its own protection, to found an independent nation on the Pacific. It was further away than the old colonies had been from England. It was out of the reach of railroads or unbroken steam navigation. The prairies, the mountains and the desert, an isthmus of foreign jurisdiction and a cape of storms interposed between it and the armies of the Union. A

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<sup>1</sup> Con. Globe, XXI, 476-483.

navy might be sent there; but it had only to open its mines, and it could reduce all the navies and appropriate all the 'floating bulwarks, that could be launched against it, to its own 'defense. Nor would it be alone. As California would go, so would Oregon go; and the whole Pacific coast might be lost.

The public domain was not a mere possession; to be enjoyed either in common or in severalty by the citizens of the old states, without regard to the rights of the domain itself. It was true that it had been acquired by the valor and with the wealth of the whole nation. But the nation had no arbitrary power over it. The constitution regulated the stewardship and devoted the domain to union, to justice, to defense, to welfare, and to liberty. But there was a higher law than the constitution which regulated the authority and devoted the domain to the same noble purposes. The territory was a part, and no inconsiderable part, of the common heritage of mankind, bestowed upon them by the Creator of the universe. The government and congress were only stewards, bound to so discharge the trust as to secure, in the highest attainable degree, their happiness. The establishment of human slavery was incompatible with this trust. It had been said that the soil and the climate would exclude slavery. But they could not be relied on—otherwise slavery could never have existed, as it once did exist, in the states north of the fortieth parallel of latitude. It had also been said that it was absurd to re-enact the law of God. He thought differently. He thought there was no human enactment, which was just, that was not a re-enactment of the law of God. The constitution of the United States and the constitutions of all the states were full of such re-enactments. The laws of God and of nature could be disregarded; and, wherever he found them disregarded or in danger of being disregarded, he should vote to re-affirm them with all the sanctions of the civil authority.<sup>1</sup>

In view of the various opinions thus expressed about California and the misconstruction that was put upon or likely to be put upon its action, Gwin, Fremont, Wright and Gilbert, the senators and representatives elect from the new state, who were waiting its admission to take their seats, on March 12 issued in

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<sup>1</sup> Con. Globe. Appendix, XXII, 260-269.

their joint names a memorial, setting forth at considerable length and with much minuteness of detail the history of the adoption of the constitution and the circumstances which led to and surrounded it. They claimed and showed that it was the honest expression of the public sentiment and popular will of the people and that it was founded on reason, reflection and deliberate judgment. They denied that California had in any manner set itself up in opposition to the United States or manifested any disposition to disregard the constitution or laws of the United States, or the rights and wishes of its people. It was loyal to the United States—none more so; and it believed that the United States would appreciate its condition and sufferings, acknowledge its patriotism, and hail its action with joy. Everything had contributed to strengthen this belief—the tone of the public press throughout the country, the dispatches of executive officers, the speeches of distinguished statesmen on the floors of congress, and the feelings and sentiments of the great masses of immigration daily arriving from the very centers of the older states. It had therefore every reason to believe its action eminently right and necessary, and fully sanctioned by the approving voice of the American people.

As to the population of California, though no census had been taken, there were some reliable data from which it might be estimated to consist of at least one hundred and seven thousand persons. On January 1, 1849, it was calculated to have embraced, exclusive of Indians and Africans, thirteen thousand Californians, eight thousand Americans and five thousand foreigners; or in all twenty-six thousand. Between January 1 and April 22, the arrivals by sea from Pacific ports and by land from Sonora were estimated at eight thousand. The statistical records of the harbor master's office at San Francisco showed that there had arrived at that port by sea between April 22 and December 31, 1849, over twenty-nine thousand persons, of whom over twenty-two thousand were Americans and seven thousand foreigners. This would make sixty-three thousand. Add to this number at least one thousand, who had landed at other ports, eight thousand for the southern overland immigration, seven thousand overland from Mexico, three thousand deserting sailors and twenty-five thousand for the great overland immigra-

tion by the way of Salt Lake, which was variously estimated at from thirty to forty thousand; and the total would amount to the figures indicated which were below rather than above the mark.

And in conclusion they had to say that the people of California were neither rebels, usurpers nor anarchists. They had not sought to sow the seeds of revolution that they might reap the harvest of discord. They believed that the principles which guided them were just; they knew that the motives which actuated them were pure, and they hoped that their action would be acceptable to every portion of their common country. They had not expected that their admission as a state would be made the test question upon which was to hang the preservation of the Union; nor did they desire such a result. They had been urged by the imperative and extraordinary necessities of their position to unite in such action as they believed would secure them a government, not in opposition to but under and in conformity with the national constitution of their country.<sup>1</sup>

In April, John Bell of Tennessee introduced a new series of compromise resolutions, based upon the proposition of admitting California on an equal footing with the original states. About the same time, Stephen A. Douglas of Illinois, chairman of the committee on territories, introduced two bills, one for the unconditional admission of California and the other for the establishment of territorial governments for Utah and New Mexico. Both bills were read twice; but a proposition to take up and consider the California bill was on motion of Clay, by a vote of twenty-seven to twenty-five, laid on the table.

It was plain, notwithstanding the ill success of former compromises, that there were to be further attempts to compromise. It was well known that the ultra pro-slavery faction, in view of the fact patent to all eyes that the power hitherto wielded by it had passed away, was desperate and threatened secession; and an attempt was to be made to effect some kind of an accommodation which would be satisfactory. To reach if possible a basis, it was finally resolved that Clay's propositions and Bell's propositions should be referred to a select committee of thirteen to report upon them without further instructions. This com-

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<sup>1</sup> Debates of Convention, App. XIV-XXIII.

mittee was elected by ballot and consisted of seven senators from slave states and six from free states; but of the former were Clay and Bell, and Clay was chairman.

In May the committee reported what was known as the "omnibus bill," embracing various compromise propositions and among others one admitting California forthwith as a state. Another long debate followed. The southern senators resorted to all kinds of parliamentary tactics to defeat the admission. Pierre Soulé of Louisiana moved that all of California south of latitude thirty-six degrees thirty minutes should be cut off and formed into a territory to be called South California and to be admitted as a state when able and willing and with or without slavery as its people might desire. Foote moved to erect all south of the same line into a Territory of Colorado without reference to slavery. Others moved a line a degree further south; others to send the constitution back with a direction from congress to form another one, and others to remand California to a territorial condition and limit its southern boundary. They all failed. In the meanwhile, the propositions of the omnibus bill had been divided, and the bill for the admission of California brought forward. It was read a second time and passed to engrossment against great opposition. On August 13, it was read a third time and passed the senate by a vote of thirty-four to eighteen. All the senators who were present from free states and six from slave states voted for it. Clay was absent; but his colleague, Joseph R. Underwood, voted for it. The others were Bell of Tennessee, Benton of Missouri, Houston of Texas, and Presley Spruance and John Wales of Delaware.

Immediately after its passage, ten of the southern senators—James M. Mason and R. M. T. Hunter of Virginia, Arthur P. Butler and R. W. Barnwell of South Carolina, Jackson Morton and David L. Yulee of Florida, Pierre Soulé of Louisiana, Hopkins L. Tenney of Tennessee, David R. Atchison of Missouri and Jefferson Davis of Mississippi—presented a protest against it. They deemed it proper to put upon record an enduring memorial of their opposition, and the reasons of their opposition, to a measure whose consequences might be so durable and portentous as to make it an object of deep interest to all who came after them. They had dissented from



the bill because it gave the sanction of law and thus imparted validity to the unauthorized action of a portion of the people of California, making an odious distinction against the property of the fifteen slave-holding states of the Union, which were thereby deprived of that equality manifestly designed by the constitution and constituting the only sure and stable foundation on which the Union could repose. Against this conclusion, they went on to say, they must now and forever protest as destructive of the safety and liberties of those whose rights had been committed to their care; fatal to the peace and equality of the states they represented, and necessarily leading if persisted in to the dissolution of that confederacy in which the slave-holding states had not sought more than equality and in which they would not be content to remain with less.<sup>1</sup>

This protest, however, the senate refused to receive, and properly refused to receive. Some allowances may be made for the weaknesses of human nature and the passions of a defeated party. But this protest was not only an insult to the senate, but treason to the state. For the time indeed it was regarded only as an idle threat; and for some years afterwards efforts were made to reconcile the extreme south. But in vain. To the loss of their power and preponderance they were not and could not be reconciled. The protest of the southern senators was in fact a muttering of the coming storm. It was the scud that flies before the black cloud big with devastation. Secession was already, and for a long time had been, gathering and evolving. And in the fullness of time, come it had to—and come it did.

The bill, as soon as it passed the senate, went to the house of representatives. It was read twice and committed. On September 7 it came up for passage. A member from Kentucky moved to amend by adding a bill organizing the Territory of New Mexico. Samuel F. Vinton of Ohio objected to the proposition as out of order. Cobb, the speaker, overruled the objection; but the house, on appeal, overruled Cobb. A member from Mississippi moved to cut off all of California below the latitude of thirty-six degrees forty minutes; but his efforts and all efforts to defeat or hamper the bill were cut short by an over-

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<sup>1</sup> Con. Globe, XXI, 1578.

whelming vote. The bill was read a third time and passed by one hundred and fifty ayes to fifty-six ultra southern noes.

Calhoun did not live to record his vote against the admission, nor to sign the threatening protest. That he would have done the first is very certain; whether he would have done the second may be a matter of some doubt. But the hand of death was upon him when he made his last effort on behalf of the slaveholding power. He died on March 31, while the struggle was going on. His place was filled first by the appointment of Franklin H. Elmore, who died on May 31, and then by the appointment of R. W. Barnwell, who took his seat on June 24 and threw such strength as he possessed against California.<sup>1</sup>

A nobler victim than Calhoun, though in intellect far inferior, fell during the same struggle. President Taylor, to whom the State may almost be said to have been indebted for its existence, died on the evening of July 9. On the next day Millard Fillmore, the vice-president, announced his death and in the presence of congress took the oath and succeeded to the presidency. Fillmore was succeeded as president of the senate by William R. King of Alabama. On July 22 Webster, who had been appointed secretary of state by Fillmore, resigned his senatorial seat and was succeeded eight days afterwards by Robert C. Winthrop, who voted as Webster would have voted.<sup>2</sup>

The California bill went to President Fillmore; and on September 9, 1850, he approved and signed it. California was now a State—the thirty-first in order of date but the peer in all other respects of any in the Union. Its senators and representatives immediately took their seats in the halls of congress and bore their full and equal parts in the national counsels. No state before had had such an extraordinarily rapid and triumphant career. It occasioned difficult questions; it evoked violent passions; it stirred up the dark and lowering storm-clouds; but it made its way steadily and unflinchingly through them and emerged at last, untarnished and unstained, into the sunlight.

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<sup>1</sup> *Con. Globe*, XXI, 623, 749, 1105, 1278.

<sup>2</sup> *Con. Globe*, XXI, 1365, 1366, 1432, 1479.

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